

The Gazette of India



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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 9th February 1957 :—

	No. and date	Issued by	Subject
51-A	S.R.O. 344-A, dated the 29th January, 1957.	Election Commission, India.	Order No. 2 regarding corrections to the First schedule to the Parliamentary constituencies
56	S.R.O. 409, dated the 1st February, 1957.	Ministry of Heavy Industries.	Appointment of members of the Development Council for the scheduled industries engaged in the manufacture and production of articles specified there in.
	S.R.O. 410, dated the 1st February, 1957.	Ditto	Appointment of members of the Development Council for the scheduled industries engaged in the manufacture and production of articles specified therein.
57	S.R.O. 411, dated the 2nd February, 1957.	Ministry of Law	Declaration regarding Bye-election to the Council of States by the members of the Delhi Electoral College.
58	S.R.O. 412, dated the 4th February, 1957.	Ditto	Amendments made in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956.
+			
59	S.R.O. 413, dated the 5th February, 1957.	Ditto	Declaration containing the name of the candidate elected to the House of the People from Chittor Parliamentary constituency)
60	S.R.O. 455, dated the 7th February, 1957.	Election Commission, India.	Amendment made in the notification No. 464/4/56, dated the 19th January 1957.

Issue No.	No. and date	Issued by	Subject
61	S.R.O. 456, dated the 6th February, 1957.	Ministry of Finance	Agreement for relief from or the avoidance of double taxation of income between the Government of India and the Government of Ceylon.
62	S.R.O. 457, dated the 8th February, 1957.	Ditto	Reduction of proper stamp duty chargeable on promissory notes specified therein.
63	S.R.O. 458, dated the 8th February, 1957.	Ministry of Law	Declaration containing the name of the candidate elected to the House of the People from Darrang Constituency.
	S.R.O. 459, dated the 8th February 1957.	Ditto	Declaration containing the name of the candidate elected to the House of the People from Mandla Constituency.
64	S.R.O. 460 to S.R.O. 463, dated the 9th February, 1957.	Ditto	Declarations containing the names of the candidates elected to the House of the People from Cachar Constituency, Hasan Constituency, Rajah mundry Parliamentary Constituency and Rajampet Constituency.

Copies of the *Gazettes Extraordinary* mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF HOME AFFAIRS

New Delhi-2, the 8th February 1957

S.R.O. 466.—In exercise of the powers conferred by Section 18 of the Central Reserve Police Force Act, 1949 (86 of 1949), the Central Government hereby makes the following amendments in the Central Reserve Police Force Rules, 1955, namely:—

In the said Rules—

1. for sub-rule (b) of rule 7, the following shall be substituted, namely:—

“(b) The authority to make appointments to the various non-gazetted ranks shall be the Commandant, provided that, in the case of Jemadars (Sub-Inspectors) and Subedars (Inspectors), prior approval of the Deputy Inspector General and of the Inspector General respectively shall be obtained”.

2. for sub-rule (b) of rule 55, the following shall be substituted, namely:—

“(b) For exceptional reasons, the Commandant may promote an unqualified Head Constable to the rank of Jemadar (Sub-Inspector) or an unqualified Jemadar (Sub-Inspector) to the rank of Subedar (Inspector) with the prior approval of the Deputy Inspector General or

Inspector General respectively, provided that such promotions in either case do not exceed ten per cent of the sanctioned strength in such ranks";

3. for rule 61, the following shall be substituted, namely:—

"61. *Maintenance of lists of approved candidates.*—Lists of approved candidates for promotion to various ranks, required to be maintained under sub-rule (b) of rule 62, shall be kept in the office of the Commandant, and promotions shall ordinarily be made from these lists according to the provisions of rule 55";

4. for sub-rule (a) of rule 62, the following shall be substituted, namely:—

"(a) The Commandant may, for special reasons, promote to the next higher rank any qualified candidate whose name is not on the appropriate approved list. In the case of Subedars (Inspectors) and Jemadars (Sub-Inspectors), prior approval of the Inspector General and the Deputy Inspector General respectively shall be obtained."

[Police II.]

P. L. CHHABRA, Under Secy.

New Delhi-2, the 9th February 1957

S.R.O. 467.—In pursuance of sub-rule (1), and the first proviso to sub-rule (2), of rule 4 of the Indian Administrative Service (Cadre) Rules, 1954, the Central Government in consultation with the Government of Punjab hereby makes the following amendment in the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955, namely:—

In the said Regulations, in the Schedule relating to PUNJAB, for the entry "Secretary to the Chief Minister", the entry "Principal Secretary to the Chief Minister" shall be substituted.

[No. 13/4/57-AIS(III).]

S.R.O. 468.—In pursuance of sub-rule (1) and the first proviso to sub-rule (2), of rule 4 of the Indian Administrative Service (Cadre) Rules, 1954, the Central Government, in consultation with the Government of Uttar Pradesh, hereby makes the following amendment in the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955, namely:—

In the Schedule to the said Regulations, for the entries relating to "UTTAR PRADESH", the following shall be substituted, namely:—

"1. Senior Posts under State Government				121
Member, Board of Revenue (Administrative)	.	.	.	1
Members, Board of Revenue (Ordinary)	.	.	.	2
Chief Secretary to Government	.	.	.	1
Commissioners of Divisions	.	.	.	8
Land Reforms Commissioner	.	.	.	1
Development Commissioner	.	.	.	1
Secretaries to Government	.	.	.	10
Additional or Joint Secretaries to Government	.	.	.	10
Private Secretary to Chief Minister	.	.	.	1
Secretary to Governor	.	.	.	1
Deputy Secretaries to Government	.	.	.	10
Excise Commissioner	.	.	.	1
Director of Industries	.	.	.	1
Additional or Joint Director of Industries	.	.	.	1
Labour Commissioner	.	.	.	1
Chairman and Members, Labour Tribunals	.	.	.	4
Deputy Labour Commissioner	.	.	.	1
Cane Commissioner	.	.	.	1
Sales Tax Commissioner	.	.	.	1
Settlement Officers	.	.	.	2

District Magistrates in charge of Revenue Divisions	2	
District Magistrates	49	
Joint or Deputy Development Commissioners	5	
Deputy Land Reforms Commissioners	3	
Additional or Joint Sales Tax Commissioner	1	
Additional District Magistrates	2	
	121	
2. Senior Posts under Central Government		48
		169
3. Posts to be filled by promotion and selection in accordance with rule 8 of the Indian Administrative Service (Recruitment) Rules 1954	42	
4. Posts to be filled by direct recruitment		127
5. Deputation Reserve @ 15% of 4 above		19
6. Leave Reserve @ 11% of 4 above		14
7. Junior Posts @ 20.60% of 4 above		26
8. Training Reserve @ 10.59% of 4 above		13
Direct Recruitment Posts		199
Promotion posts		42
TOTAL AUTHORISED STRENGTH		241

[No. 13/5/57-AIS(III).]

S.R.O. 469.—In pursuance of sub-rule (1), and the first proviso to sub-rule (2), of rule 4 of the Indian Police Service (Cadre) Rules, 1954, the Central Government in consultation with the Government of Kerala, hereby makes the following amendment in the Indian Police Service (Fixation of Cadre Strength) Regulations, 1955, namely:—

In the Schedule to the said Regulations, for the entries relating to KERALA, the following shall be substituted, namely:—

"1. Senior posts under State Government		15
Inspector General of Police	1	
Deputy Inspector General of Police	2	
Assistant Inspector General of Police (Office)	1	
Superintendents of Police	7	
Superintendent of Police, Armed Reserve	1	
Superintendent of Police, X-Branch	1	
Superintendent of Police, Special Branch	1	
Superintendent of Police, Crime Branch	1	
	15	
2. Senior posts under Central Government		6
		21
3. Posts to be filled by promotion in accordance with rule 9 of the Indian Police Service (Recruitment) Rules, 1954	5	
4. Posts to be filled by direct recruitment		16
5. Deputation reserve at 15 percent of 4 above		2
6. Leave reserve at 11 percent of 4 above		2
7. Junior posts at 20.60 percent of 4 above		3
8. Training Reserve at 10.59 percent of 4 above		2
Direct Recruitment posts		2
Promotion posts		5
TOTAL AUTHORISED STRENGTH		30

[No. 13/6/57-AIS(III).]

P. PRABHAKAR RAO, Dy. Secy.

New Delhi-2, the 2nd February 1957

S.R.O. 470.—In exercise of the powers conferred by sub-rule (1) of rule 5A of the Central Civil Services (Temporary Service) Rules, 1949, the Central Government hereby specifies the Comptroller and Auditor General as the authority to act on behalf of the said Government for the purpose of the said rule in so far as the employees of the Indian Audit and Accounts Department are concerned.

[No. 78/147/56-TS.]

R. N. MADHOK, Dy. Secy.

(Administrative Vigilance Division)

New Delhi, the 12th February 1957

S.R.O. 471.—In exercise of the powers conferred by section 3 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Home Affairs No. 7/5/55-AVD, dated the 6th November, 1956, namely:—

In the said notification

(i) clause (k) shall be relettered as clause (m) and after clause (j), the following shall be inserted, namely:—

“(k) offences punishable under items 26, 72, 74, 75, 76, 76A, 76B, 77, 78, 79, 80 and 81 of the Schedule to section 167 of the Sea Customs Act, 1878 (VIII of 1878);

(1) offences punishable under sections 5 and 7 of the Land Customs Act, 1924 (XIX of 1924);

(ii) in clause (m) as so relettered, after the expression “(a) to (h)” the expression “and clauses (k) and (1)” shall be inserted.

[No. 7/1/57-AVD.]

M. GOPAL MENON, Dy. Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 8th February 1957

S.R.O. 472.—In exercise of the powers conferred by sub-section (1) of section 8 of the Foreign Exchange Regulation Act, 1947 (7 of 1947), the Central Government hereby makes the following amendment in its notifications specified in the Schedule hereto annexed, namely:—

In the said notifications for the words “the States” wherever they occur the word “India” shall be substituted.

SCHEDULE OF NOTIFICATIONS

1. No. 12(11)-F.I/48 dated the 25th August, 1948;
2. No. S.R.O. 1059 dated the 4th May, 1956; and
3. No. S.R.O. 401 dated the 24th March, 1951.

[No. F.1(17)-EF.I/54(1).]

S.R.O. 473.—In exercise of the powers conferred by section 9 of the Foreign Exchange Regulation Act, 1947 (7 of 1947), the Central Government hereby makes the following amendment in its notification No. 12(13) F.I/47, dated the 25th March, 1947, namely:—

In the said notification for the word “States” wherever it occurs, the word “India” shall be substituted.

[No. F.1(17)-EF.I/54(2).]

S.R.O. 474.—In exercise of the powers conferred by sub-section (1) of section 19 of the Foreign Exchange Regulation Act, 1947 (7 of 1947), the Central Government hereby makes the following amendment in its notification No. 12(15)-F.I/47 dated the 25th March, 1947, namely:—

In the said notification for the word "States" the word "India" shall be substituted.

[No. F.1(17)-EFI/54(3).]

S.R.O. 475.—In exercise of the powers conferred by section 15 of the Foreign Exchange Regulation Act, 1947 (7 of 1947), the Central Government hereby makes the following amendment in its notification No. D-15825-F.I/48 dated the 1st January, 1949, namely:—

In the said notification for the words "the States" the word "India" shall be substituted.

[No. F.1(17)-EFI/54(4).]

K. SRINIVASAN, Under Secy.

(Department of Revenue)

DAINGEROUS DRUGS

New Delhi, the 4th February 1957

S.R.O. 476.—The following draft of certain further amendments which the Central Government proposes to make in the Central Manufactured Drugs Rules, 1934, in exercise of the powers conferred by sub-section (2) of section 6 of the Dangerous Drugs Act, 1930 (2 of 1930), is published, as required by sub-section (1) of section 36 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 15th March, 1957.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified above will be considered by the Central Government.

Draft Amendments

In the said Rules—

- (1) in rule 3, after "dihydrohydroxy codeinone", the word "Pholcodine" shall be inserted;
- (2) in rule 5, after "dihydrohydroxy codeinone", the word "Pholcodine" shall be inserted.

[No. 1.]

G. P. DURAIRAJ, Under Secy.

(Department of Revenue)

DAINGEROUS DRUGS

New Delhi, the 4th February 1957

S.R.O. 477.—In pursuance of sub-clause (ii) of clause (g) of section 2 of the Dangerous Drugs Act, 1930 (2 of 1930) and of findings by the World Health Organization under Article 8 of the Convention, Protocol and Final Act, dated the 19th February, 1925, as amended by the Protocol dated the 11th December, 1946, the Central Government hereby makes the following further amendments in the

late Finance Department (Central Revenues) notification No. 3-Dangerous Drugs, dated the 16th July, 1932 namely—

In the Schedule annexed to the said notification after item 21, the following items shall be inserted, namely:—

Preparation	Composition
21-A. Ipecopan Malt Tablets (Sandoz)	Tablets weighing 550 mgms. each and containing 3.0 mgms. of Ipecopan substance of equivalent to 1.10 mgms. of anhydrous morphine per tablet in association with Ipecacuanha alkaloids.
21-B. Ipesandrine Tablets, sugar coated (Sandoz)	Tablets weighing 440 mgms. each and containing 2.5 mgms. of Ipecopan substance equivalent to 0.922 mgms. of anhydrous morphine per tablet in association with 0.416 mgms. of Ipecacuanha alkaloids and 3.75 mgms. of ephedrine hydrochloride.

[No. 2.]

B. D. DESHMUKH, Dy. Secy.

(Department of Revenue)

INCOME-TAX

New Delhi, the 11th February 1957

S.R.O. 478.—The Sugar Cane Research Station, Jullundur, having been approved by the prescribed authority for the purpose of clause (xlii) of sub-section (2) of section 10 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Government hereby makes the following further amendment in the list appended to the notification of the Government of India in the late Finance Department (Revenue Division), No. 34—Income-tax, dated the 23rd November, 1946, namely:—

In the said list, under the heading 'Agricultural Research Associations', after item No. 34, the following item shall be inserted, namely:—

"35. The Sugar Cane Research Station, Jullundur".

[No. 13.]

P. N. DAS GUPTA, Dy. Secy.

(Department of Revenue)

CUSTOMS

New Delhi, the 16th February 1957

S.R.O. 479.—The following draft of certain amendments in the Customs Duties Drawback (Cigarettes) Rules, 1955 (published with S.R.O. No. 674, dated the 2nd April, 1955), which the Central Government proposes to make in exercise of the powers conferred by section 43B of the Sea Customs Act, 1878 (8 of 1878), is published, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 16th March, 1957. Any objection or suggestion which may be received from any person with respect to the said draft before the said date will be considered by the Central Government.

In the said Rules—

(1) for rule 3, the following rule shall be substituted, namely:—

"3. *Cigarettes in respect of which drawback may be paid.*—Subject to the provisions of the Act and these rules, a drawback shall be paid in the case of cigarettes manufactured in India or the State of Pondicherry by a registered

manufacturer and exported or shipped as stores for use on board a ship proceeding to a foreign port, in respect of foreign tobacco used in the manufacture of such cigarettes:

Provided that such cigarettes are packed by the registered manufacturer in tamper-proof, sealed containers bearing on their outside the name of the manufacturer and the detailed description and quantity of each of the different brands of cigarettes contained therein.”;

(2) rule 4 shall be omitted and rules 5 to 9 renumbered as rules 4 to 8 respectively; and

(3) for rules 5 to 7 as so renumbered, the following rules shall be substituted, namely:—

“5. *Manner of allowing drawback.*—A drawback shall be allowed on the shipment of cigarettes, subject to the following conditions, namely:—

(1) (a) that the shipper shall make a declaration on the relative shipping bill—

(i) that a claim for the drawback under section 43B is being made, and

(ii) that the different brands of cigarettes tendered for export or shipment under claim for drawback are the genuine products of the registered manufacturer they are declared to be;

(b) that the shipper shall attach to the relative shipping bill a declaration by the registered manufacturer of the cigarettes that the quantity of foreign tobacco or the proportion of foreign and indigenous tobaccos used in any of the brands of cigarettes tendered for export or shipment has not been altered subsequent to registration except as permitted in sub-rule (4) of rule 4;

(c) that the shipper shall, in the shipping bill, furnish, in addition to the particulars required under section 29, such additional particulars as may, in the opinion of the Customs Collector, be necessary for the purposes of these rules and, in particular, the Customs Collector may require such additional information in respect of the following matters, namely—

(i) the different brands of cigarettes,

(ii) the number of cigarettes,

(iii) the net weight of the cigarettes,

(iv) the net weights of total tobacco and of foreign tobacco in such cigarettes, in respect of every such brand, and

(v) the registration number and name of the registered manufacturer of the cigarettes; and

(2) that the declaration of the quantity of foreign tobacco or the proportion of foreign and Indian tobaccos in the cigarettes tendered for export or shipment shall be checked and verified by one or more officers of Central Excise attached to the factory in which the cigarettes are manufactured or such other officer of Customs or Central Excise as may be empowered in this behalf by the authorised Chief Customs Officer.

6. *Rate of drawback.*—Where the Customs Collector is satisfied that the claim for a drawback is established under these rules, such drawback shall be paid at the rate of seven-eighths, of the duty paid on the quantity of foreign tobacco contained in the cigarettes shipped.

Provided that, if two or more different rates of duty were applicable to tobacco imported during the period of one year immediately preceding the export or shipment, the rate of drawback admissible shall be calculated on the basis of seven-eighths of the lower or lowest as the case may be of those different rates.

7. *Powers of Customs Collector.*—For the purpose of enforcing these rules, the authorised Chief Customs Officer or the Customs Collector may require the registered manufacturer of the cigarettes in respect of which drawback is claimed to produce any books of accounts or other documents of whatever nature relating to the foreign tobacco used in the manufacture of the cigarettes shipped or entered for shipment under claim for drawback.”

S.R.O. 480.—The following draft of an amendment to the Customs Duties Drawback (Electric Fans) Rules, 1955, which the Central Government proposes to make in exercise of the powers conferred by Section 43-B of the Sea Customs Act, 1878 (8 of 1878), is published for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after 4th March, 1957. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft amendment to the Customs Duties Drawback (Electric Fans) Rules, 1955

1. In the said rules—

(i) in rule 2—in clause (c) the words “by a registered manufacturer” shall be omitted;

(ii) for clause (e), the following clause shall be substituted, namely:—

“(e) half year means a period of six months beginning with the first day of January or the first day of July;

2. in sub-rules (3) and (4) of rule 6, for the word “quarter”, wherever it occurs, the words “half year” shall be substituted.

[No. 27.]

S.R.O. 481.—The following draft of certain rules which the Central Government proposes to make in exercise of the powers conferred by Section 43-B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, is published as required by sub-section (3) of Section 43-B of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after 16th March, 1957. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

DRAFT RULES

1. **Short title.**—These rules may be called the Customs Duties Drawback (Copper Dusting Preparations) Rules, 1957.

2. **Definitions.**—In these rules, unless the context otherwise requires:—

(a) ‘the Act’ means the Sea Customs Act, 1878 (8 of 1878);

(b) ‘copper dusting preparations’ means fungicidal wettable dusting preparations of cuprous oxide which are free from cupric compounds and other pesticidal ingredients;

(c) ‘cuprous oxide’ means the pure chemical compound of that name;

(d) ‘imported material’ means concentrated wettable copper powder consisting of cuprous oxide, diluents, and emulsifying and dispersing agents, but free from cupric compounds and other pesticidal ingredients, imported into India or the State of Pondicherry by a registered manufacturer, on payment of customs duty;

(e) ‘quarter’ means a period of three months beginning with the first day of January, the first day of April, the first day of July or the first day of October; and

(f) ‘registered manufacturer’ means a manufacturer of copper dusting preparations registered under Rule 4.

3. **Goods in respect of which drawback may be allowed.**—Subject to the provisions of the Act and these rules, a drawback shall be allowed in respect of the imported material contained in copper dusting preparations (hereinafter referred to as the goods) manufactured in India or the State of Pondicherry by a registered manufacturer and exported therefrom:

Provided that the goods are packed in tamper-proof sealed containers bearing on their outside, the name of the manufacturer of the goods, the net weight of the goods contained in each of the containers, the brand or code number and such other particulars as the Chief Customs Officer or the Customs Collector may from time to time specify in this behalf.

4. Registration of manufacturers.—(1) A drawback under these rules shall be admissible only in respect of the goods manufactured by a person registered under, and for the purposes of, these rules by a Chief Customs Officer, authorised in this behalf by the Chief Customs Authority and hereinafter referred to as the authorised Chief Customs Officer.

(2) An application for registration shall be made by a manufacturer of the goods to the authorised Chief Customs Officer.

(3) The application shall specify the brands, grades or varieties of the goods in respect of which registration is required, and shall, in respect of each such brand, grade or variety furnish the description and quantity of different materials used in the manufacture of one dozen uniform packages of specified weight, or such other convenient quantity as the Customs Collector thinks fit, of each brand, grade or variety of the goods.

(4) The authorised Chief Customs Officer may, if he is satisfied that the provisions of these rules have been complied with register the applicant as a registered manufacturer.

(5) The registered manufacturer shall not alter the composition of formula of any brand, grade or variety of the goods except with the prior approval of the authorised Chief Customs Officer.

(6) Any registered manufacturer contravening the provisions of the last preceding sub-rule shall render himself liable to have his registration cancelled without prejudice to any other penalty to which he may be subject under the Act and these rules.

5. Rate of Drawback.—(1) Where the Customs Collector is satisfied that the claim for a drawback is established under these rules, such drawback shall be paid at the rate specified hereunder.

(2) The rate of drawback of duty admissible under these rules on the shipment of the goods in the prescribed manner shall be seven-eighths of the average amount of Customs duty paid on the imported material used in the manufacture of any brand, grade or variety of the goods; the quantity of imported material used in the manufacture of a given quantity of the goods being calculated on the basis of the ratio between the cuprous oxide contents in the goods and the imported material used.

Explanation.—For the purpose of the calculation of such rate the highest amount of cuprous oxide per unit quantity of imported material, imported by the registered manufacturer in the six months preceding the quarter in which export is made, shall be taken as the cuprous oxide content of the imported material. Thus the rate of drawback will be calculated as under:—

Assuming that the maximum cuprous oxide content in the imported material imported by the registered manufacturer during the preceding six months is 50 per cent. and that the cuprous oxide content in the goods exported is 5 per cent., the rate of drawback will be seven-eighths of the average duty paid on one pound of the imported material for every ten pounds of the goods exported.

(3) Such rate shall be determined by the authorised Chief Customs Officer at the beginning of every quarter on the basis of the particulars furnished by the registered manufacturer, and verified by a Customs Officer, of the average value of the imported material, imported during the preceding six months or such longer period as the Customs Collector may deem necessary and the duty payable thereon.

(4) The rate of drawback as determined under sub-rule (3), shall be in force for the quarter mentioned therein and shall be applicable to shipments made during that quarter from any port in India or the State of Pondicherry.

6. Manner of allowing drawback.—(1) A drawback shall be allowed on the shipment of the goods from any port in India or the State of Pondicherry, subject to the following conditions, namely—

(a) the shipper shall make a declaration on the relative shipping bill, that—

(i) a claim for the drawback under section 43B of the Act is being made, and

(ii) to the best of his knowledge and belief, the contents of the packages tendered for export are the genuine products of the registered manufacturer they are purported to be;

(b) the shipper shall, in addition to information required under section 29 of the Act, furnish in the shipping bill such additional information as may in the opinion of the Customs Collector, be necessary for verifying the claims for drawback and in particular, the Customs Collector may require such additional information in respect of the following matters, namely—

(i) the description of the goods;

(ii) the registration number of such manufacturer and the name of the officer by whom he has been registered;

(iii) the particulars of any brand or trade mark attached to the goods;

(iv) the gross and net weights of the goods tendered for export; and

(v) the net weight of cuprous oxide contained in one dozen uniform packages or specified weight, or such other convenient quantity as the Customs Collector thinks fit, of each brand, grade or variety of the goods tendered for export.

(2) No drawback shall be allowed on the shipment of the goods in respect of which the composition or formula has been altered contrary to the provisions of sub-rule (5) of rule 4.

7. Powers of Customs Collector.—For the purpose of enforcing these rules, the Chief Customs Officer or the Customs Collector may require a registered manufacturer to furnish to a Customs Officer—

(a) representative samples from each of the consignments of the imported material, at the time of their import;

(b) representative samples of each brand, grade or variety of the goods tendered for export;

(c) any books of account or other documents of whatever nature relating to the proportion and quantity of different materials used in the manufacture, and the value of, and duty paid on, the imported material used in such manufacture; and

(d) such certificates, documents and other evidence in support of each claim for drawback as may be necessary.

8. Access to manufactory.—A registered manufacturer of the goods in respect of which a drawback is claimed shall be bound to give access to every part of his manufactory to an officer of the Central Government specially authorised in this behalf by the authorised Chief Customs Officer to enable such officer to inspect the processes of manufacture and to verify by actual check or otherwise the particulars furnished by such registered manufacturer in support of his claim for the drawback.

[No. 28.]

S.R.O. 482.—The following draft of certain rules which the Central Government proposes to make in exercise of the powers conferred by section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, is published, as required by sub-section (3) of the said section, for the information of all persons likely to be affected thereby: and notice is hereby given that the said draft will be taken into consideration on or after the 16th March, 1957. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

DRAFT RULES

1. Short title.—These rules may be called the Customs Duties Drawback (Cough Syrups) Rules, 1957.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) 'the Act' means the Sea Customs Act, 1878 (8 of 1878);

(b) 'cough syrup' means cough syrup manufactured in India or the State of Pondicherry by a registered manufacturer and in the manufacture of which potassium sulphoguaiaicolate, wholly imported and duty paid, has been used;

- (c) 'imported material' means potassium sulphoguaiacolate imported into India or the State of Pondicherry on payment of customs duty by a registered manufacturer;
- (d) 'quarter' means a period of three months beginning with the first day of January, the first day of April, the first day of July or the first day of October; and
- (e) 'registered manufacturer' means a manufacturer in India or the State of Pondicherry of cough syrup, registered under rule 4.

3. **Goods in respect of which drawback may be allowed.**—Subject to the provisions of the Act and these rules, a drawback shall be allowed in the case of cough syrup (hereinafter referred to as the goods) manufactured in, and exported from, India or the State of Pondicherry, or shipped as stores on board a ship proceeding to a foreign port, in respect of the imported material used in the manufacture of the goods:

Provided that the goods are packed by the registered manufacturer in tamper-proof sealed containers bearing on their outside the name of the manufacturer and the detailed description and quantity of the goods contained therein.

4. **Registration of manufacturers.**—(1) A drawback under these rules shall be admissible only in respect of the goods manufactured by a person registered under, and for the purpose of, these rules, by a Chief Customs Officer authorised in this behalf by the Chief Customs Authority and hereinafter referred to as the authorised Chief Customs Officer.

(2) An application for registration shall be made by a manufacturer of the goods to the authorised Chief Customs Officer.

(3) Such application shall specify the different brands, varieties or patents of the goods in respect of which registration is required, and shall, in respect of each such brand, variety or patent, furnish the description and quantity of the different materials used in the manufacture of one dozen uniform packets or bottles of specified weight, or such other convenient quantity as the Customs Collector thinks fit, of each brand, variety or patent of the goods.

(4) The authorised Chief Customs Officer may, if satisfied that the provisions of these rules have been fulfilled, register the applicant as a registered manufacturer of the goods.

(5) Subsequent to such registration, the registered manufacturer shall not alter the composition or formula of any brand, variety or patent of the goods without the prior approval of the authorised Chief Customs Officer.

(6) Any registered manufacturer contravening the provisions of the last preceding sub-rule shall render himself liable to have his registration cancelled without prejudice to any other penalty to which he may be liable under the Act and these rules.

5. **Rate of drawback.**—(1) Where the Customs Collector is satisfied that the claim for a drawback is established under these rules such drawback shall be paid at the rate hereinafter specified.

(2) The rate of drawback of duty admissible under these rules on the shipment of the goods in the prescribed manner shall be seven-eighths of the average amount of customs duty paid on the imported material used in the manufacture of any brand variety or patent of the goods, such rate being determined at the beginning of every quarter on the basis of statements furnished by the registered manufacturer, and duly verified by a Customs Officer, of the average value of the imported material used in the manufacture of the goods and the duty paid thereon, such average being calculated on the basis of his imports during the preceding six months or such other longer period as the Customs Collector may deem necessary.

(3) The drawback rate so determined shall be in force during the quarter in which it has been determined and shall apply to all shipments made during that quarter from any port in India or the State of Pondicherry.

6. **Manner of allowing drawback.**—(1) A drawback shall be allowed on the shipment of the goods from any port in India or the State of Pondicherry subject to the following conditions, namely—

- (a) the shipper of the goods shall make a declaration on the relative shipping bill that a claim for the drawback under section 43B of the Act is being made and shall attach to the relative shipping bill a certificate from the registered manufacturer to the effect that

the composition of the goods and the proportion of the imported material used in the manufacture of the goods have not been altered subsequent to registration except as provided in sub-rule (5) of rule 4, and that the potassium sulphoguaiacolate used in the manufacture of the goods is wholly imported and duty-paid;

- (b) the shipper shall, in addition to information required under section 29 of the Act, furnish in the shipping bill such particulars as may, in the opinion of the Customs Collector, be necessary for verifying the claim for a drawback and, in particular, the Customs Collector may require such additional information in respect of the following matters, namely—

- (i) the description of the goods,
- (ii) the name of the registered manufacturer, his registration number and the name of the officer by whom he has been registered,
- (iii) the particulars of any brand, patent or other trade mark attached to the goods, and
- (iv) the number of packages or bottles entered for export and the net weight of the goods contained therein.

(2) No drawback shall be allowed on the shipment of the goods in respect of which the composition or formula has been varied in contravention of the provisions of sub-rule (5) of rule 4.

7. Powers of Customs Collector.—For the purpose of enforcing these rules, the authorised Chief Customs Officer or the Customs Collector may require—

- (a) a registered manufacturer to produce any books of accounts or other documents of whatever nature relating to the proportion and quantity of different materials used in the manufacture of the goods, and the value of, and duty paid, on the imported material used in such manufacture;
- (b) the production of such certificates, documents and other evidence in support of each claim for drawback as may, in his opinion, be necessary; and
- (c) the drawal of samples of the goods for verification by chemical test or otherwise of the statements made in support of the claim for drawback.

8. Access to the manufactory.—A registered manufacturer of the goods in respect of which a drawback is claimed under these rules shall be bound to give access to every part of his manufactory to any officer of the Central Government specially authorised in this behalf by the authorised Chief Customs Officer to enable such authorised officer to inspect the processes of manufacture and to verify by actual check or otherwise the statements made in support of the claim for a drawback.

[No. 29.]

S. K. BHATTACHARJEE, Dy. Secy.

CENTRAL BOARD OF REVENUE

CUSTOMS

New Delhi, the 16th February 1957

S.R.O. 483.—In exercise of the powers conferred by Section 14 of the Sea Customs Act, 1878 (8 of 1878) as in force in India and as applied to the State of Pondicherry, the Central Board of Revenue hereby declares Saldarjang and Palam Customs aerodromes to be warehousing for the purposes of the said Act.

[No. 25.]

S. K. BHATTACHARJEE, Secy.

CORRIGENDUM

INCOME-TAX

New Delhi, the 9th February, 1957

S.R.O. 484.—In the notification of the Central Board of Revenue S.R.O. 2938 published in Part II, Section 3 of the Gazette of India dated 29th November 1956 under column 2

For

"Employees of M/s. Caltex (India) Limited stationed anywhere in the taxable territories."

Read

"Employees of M/s. Caltex (India) Ltd. stationed anywhere in the taxable territories, who are paid by the Bombay Office of the Company."

[No. 12(50)/4/57-IT.]

B. V. MUNDKUR, Under Secy.

MINISTRY OF HEAVY INDUSTRIES

New Delhi, the 12th February 1957

S.R.O. 485.—**ESS.COMM/IRON & STEEL-2(c)/AM(15).**—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India in the late Ministry of Commerce and Industry, No. S.R.O. 1112/ESS.COMM/IRON AND STEEL-2(c), dated the 8th May, 1956, namely:—

In the Schedule annexed to the said notification in Columns 2 and 3 thereof against OTHERS, for the existing entries from No. 27 to No. 35, the following entries shall be substituted, namely:—

<i>Column 2</i>	<i>Column 3</i>
27 All Deputy Iron and Steel Controllers, Offices of the Iron and Steel Control, Calcutta, Bombay & Madras.	All clauses of the Control Order.
28 All Assistant Iron and Steel Controllers and all Deputy Assistant Iron and Steel Controllers, Offices of the Iron and Steel Control, Calcutta, Bombay and Madras.	4, 5, 10, 18, 20, and 22.
29 Price and Accounts Officer, Deputy Price and Accounts Officer, Assistant Iron and Steel Controller and Deputy Assistant Iron and Steel Controller, Price and Accounts Division of the Iron and Steel Control, Calcutta.	15
30 Deputy Development Officer (Drugs)—Chemicals II, Development Wing, Ministry of Heavy Industries, New Delhi.	4 and 5

[No. IS(A)-4(381)/56.]

G. V. RAMAKRISHNA, Under Secy.

MINISTRY OF FOOD

New Delhi, the 5th February 1957

S.R.O. 486.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with sub-section (2) of Section 16

of the said Act and in supersession of the late Ministry of Agriculture notification No. 5-VP(2)/49 dated the 30th July 1949 and S.R.O. 1090 dated 23rd December 1950, the Central Government hereby makes the following further amendments in the Vegetable Oil Products Control Order, 1947, namely:—

In the said Order after clause 13, the following clauses shall be added, namely:—

“14. (1) Every container in which vegetable oil product is packed shall, at the time of sale by the producer or dealer, bear the following particulars in English or Hindi Devanagiri script—

- (i) the name, trade name if any, or description of the vegetable oil product;
- (ii) a declaration in the following words “made from vegetable oils only” in a type size of not less than half an inch;
- (iii) the name and business particulars of the manufacturer;
- (iv) where any vitamin or permissible colouring or flavouring agent has been added in the product, a declaration to the effect that it contains the relevant vitamin, permissible colouring or flavouring agent, as the case may be;

Provided that no such declaration shall be made in the case of Vitamin D, unless a minimum of 50 I.U. of that vitamin has been added per ounce of the product;

- (v) where any anti-oxidant or synergist or emulsifying agent or any other substance has been added in the product, the name and percentage thereof;
- (vi) the net weight of the contents of the container;
- (vii) the batch number, month and year of manufacture.

(2) Every particular or declaration required under sub-clause (1) shall be either printed on the label affixed to the container or lithographed thereon, and unless otherwise provided in this Order shall be in a type size of not less than 1/8th of an inch:

Provided that in the case of particulars relating to the batch number, month and year of manufacture it shall be sufficient if such particulars are affixed by means of a rubber stamp on the label or embossed or stamped with indelible ink on the top or bottom of the container.

15. Every dealer in vegetable oil products shall display a signboard in a prominent place in the premises where the product is sold, so as to be clearly visible to the purchaser indicating in one or more languages commonly spoken in the locality where those premises are situated that vegetable oil product is sold in the premises.”

2. Amendments hereby made shall take effect from the 1st August 1957.

[No. 2-VP(2)/57(57/1/57-Sv).]

S. D. UDHRAIN, Under Secy.

**MINISTRY OF AGRICULTURE
(ICAR)**

New Delhi, the 6th February 1957

S.R.O. 487.—In pursuance of the provisions of clause (d) of Section 4 of the Indian Coconut Committee Act, 1944 (No. 10 of 1944) as amended by the Indian Coconut Committee (Amendment) Act, 1956 (No 47 of 1956) the State Government of Orissa have nominated Shri S. S. S. Venkata Rao, B.Sc. (Agri.) Coconut Research and Development Officer, Orissa, as a member of the Indian Central Coconut Committee for a term upto 31st March, 1959.

[No. 8-1/57-Com.I.]

AJUDHIA PRASADA, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 6th February, 1957

S.R.O. 488.—In exercise of the powers conferred by Section 40 of the Slum Areas (Improvement and Clearance) Act, 1956 (96 of 1956) the Central Government hereby makes the following rules, namely:—

1. **Short title.**—These rules may be called the Slum Areas (Improvement and Clearance) Rules, 1957.

2. **Definitions.**—In these rules:—

(a) "Act" means the Slum Areas (Improvement and Clearance) Act, 1956 (96 of 1956),

(b) "Form" means a Form appended to these rules.

3. **Forms of Notices.**—Notices issued under the Act shall be in the appropriate Form appended to these rules.

4. **Authentication of Notices.**—Every notice issued by the competent authority under the Act shall be signed either by the competent authority or an officer authorised in this behalf by the competent authority and a notice shall be deemed to be properly signed if it bears a facsimile of the signature of that authority or officer.

5. **Authentication of orders and other instruments.**—All orders and other instruments made by the competent authority under the Act shall be authenticated by the signature of the competent authority or of an officer duly authorised in this behalf by the competent authority.

6. **Plans for re-development.**—Every plan for the re-development of any slum area shall include the following namely:

(a) description of the properties proposed for acquisition;

(b) description of the properties which may fit in the re-development plan either in their present form or after carrying out certain additions, alterations or improvements; in the latter case, the additions, alterations or improvements to be made;

(c) roads, open spaces and site or sites for schools, hospitals, shopping centres, maternity and child welfare centres and similar amenities;

(d) any other matter which is deemed necessary for the proper development of the area.

7. **Applications under Section 19.**—The following procedure shall be adopted in dealing with applications made under Section 19(2) of the Act.

(1) Every application for permission under Section 19 shall be made in Form G.

(2) There shall be paid a fee of Rs. 10 in respect of every application referred to in sub-rule (1).

(3) Every such application shall be accompanied by a copy of the decree or order and judgment (if any).

(4) On receipt of such application, the competent authority shall cause a notice fixing a date of hearing to be issued to the tenant giving him an opportunity of making his objections to such application. On such date, or such other date to which the hearing may be adjourned, the competent authority shall hear the parties and their witnesses (if any) and make such enquiry into the circumstances of the case as it thinks fit.

(5) If either of the parties is absent on any date of hearing, the competent authority may proceed in his absence and after hearing the party present pass such order as it thinks fit.

8. **Time Limit for filing appeals.**—Every appeal under Section 20 of the Act shall be filed within a period of 30 days of the date of communication of the order of the competent authority. Any appeal preferred after the said period shall be dismissed.

FORM 'A'

Notice under section 4(1) of the *Slum Areas (Improvement and Clearance) Act, 1956*

To _____

Whereas I, _____ the competent authority, am satisfied upon report from _____/other information in my possession, that the building(s) _____ in _____ declared to be a 'Slum Area' under section 3(1) of the *Slum Areas (Improvement and Clearance) Act, 1956*, is/are unfit for human habitation in the following respects:—

- (1)
- (2)
- (3)
- (4)

Now, therefore, in pursuance of the powers conferred upon me under section 4(1) of the said Act, I hereby require you, owner(s) of the building, to execute the works of improvement mentioned in the schedule below within 30 days of the receipt of this notice, as in my opinion these works will render the building(s) fit for human habitation.

In case you fail to comply with this notice, I shall get these works executed under section 5 of the Act and all expenses so incurred together with interest at the rate of six per cent. per annum from the date of demand shall be recovered from you as arrears of land revenue.

Competent Authority.

SCHEDULE:

NOTE.—The items not required should be struck out.

FORM 'B'

Notice under section 7(1) of the *Slum Areas (Improvement and Clearance) Act, 1956*.

To _____

Whereas I, _____ the Competent Authority, am satisfied upon report from _____/other information in my possession, that the building(s) _____ in _____ declared to be a 'Slum Area' under section 3(1) of the *Slum Areas (Improvement and Clearance) Act, 1956*, is/are unfit for human habitation and is/are not capable at a reasonable expense of being rendered so fit.

(a) Now, therefore, in pursuance of the powers conferred upon me under section 7(1) of the said Act, I hereby call upon you, an owner, lessee or mortgagee, or any other person having an interest in the building(s) to show cause within 15 days of the receipt of this notice as to why an order for demolition of the building(s) should not be made.

Competent Authority.

NOTE.—(a) The items not required should be struck out.

FORM 'C'

Notice under the proviso to section 12(1) of the Slum Areas (Improvement and Clearance) Act, 1956

To _____

Whereas on representation from the Competent Authority under the Slum Areas (Improvement and Clearance) Act, 1956, it appears to the Central Government that in order to enable the authority to execute work(s) of improvement in relation to _____ in _____ declared to be a

(specify building) (specify slum area) declared to be a 'Slum Area' to re-develop _____ declared to be a Clearance Area, it is necessary that the land(s) specified in the schedule below and adjoining/surrounded by such area should be acquired. You _____ owner/any other person interested in the said land(s) are hereby called upon to show cause within 15 days of the receipt of this notice as to why it should not be acquired.

You may address your objections if any to the Secretary, to the Government of India, Ministry of Health, New Delhi.

SCHEDULE

Dy Secy to the Govt of India.

NOTE—The items not required should be struck out

FORM 'D'

Notice under section 27 of the Slum Areas (Improvement and Clearance) Act, 1956

To _____

You are hereby given notice under section 27 of the Slum Areas (Improvement and Clearance) Act, 1956, that I _____ being duly authorised in this behalf by the competent authority, propose to enter with/without assistants and workmen, the building/land _____ under your occupation/ownership at _____ on .. for the purpose of _____ .
Signature of Officer.

NOTE—The items not required should be struck out

FORM 'E'

Notice under section 29 of the Slum Areas (Improvement and Clearance) Act, 1956

To _____

Whereas you are carrying on the trade of _____, a dangerous or offensive trade in _____ an area declared to be 'Slum Area' under section 3(1) of the Slum Areas (Improvement and Clearance) Act, 1956, 1, _____ (specify the area) the Competent Authority hereby call upon you under section 29 of the said Act to show cause within 15 days of the receipt of this notice as to why an order directing you to remove the said trade from the said area should not be made.

Competent Authority

FORM 'F'

Notice under section 33 of the Slum Areas (Improvement and Clearance) Act, 1956

To _____

Whereas you have commenced/are carrying out/have completed the erection of a building consisting of _____ in contravention of:—

The restriction condition imposed under section 10(7) of the Slum Areas (Improvement and Clearance) Act, 1956, or the plan for the development of any clearance area or the notice/order/direction issued/given under the said Act.

You are hereby informed that you may appear before the undersigned at _____ on _____ in this office and make your objection or representation, if any.

Competent Authority.

NOTE.—(a) The items not required should be struck out.

FORM 'G'

Application under section 19 of the Slum Areas (Improvement and Clearance) Act, 1956, for permission to evict a tenant under a decree or order

To _____

The Competent Authority.
Slum Areas... ..
New Delhi.

Dear Sir,

I/We having obtained a decree or order for the eviction, _____ (name and address) from _____, hereby apply for permission to execute such decree or order (Premises)

2. Copies of decree or order and judgment (if any) are enclosed.
3. The prescribed fee of Rs. 10/-/- has been paid vide Receipt No. _____ dated _____.
4. The special grounds on which this permission is sought are:
 - (i) _____
 - (ii) _____

Yours faithfully,

Signature of applicant(s)

Address:

Dated:

[No. F. 8-7/57-LSG.]

A. V. VENKATASUBBAN, Dy. Secy.

New Delhi-2, the 8th February 1957

S.R.O. 489.—The following draft of certain amendments to the Indian Port Health Rules, 1955, which the Central Government propose to make in exercise of the powers conferred by clause (p) of sub-section (i) of section 6 of the Indian Port Act 1908 (15 of 1908) and in supersession of the notification of the Government of India in the Ministry of Health No. 15-8/56-IH dated the 15th October, 1956, is published as required by sub-section (2) of the said section 6 of the said Act for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 9th May, 1957.

Any objection or suggestion which may be received from any person with respect to said draft before the date so specified will be considered by the Central Government.

Draft Amendment

1. In Appendix 3 to the said Rules, the second paragraph below the tabular form beginning with the words "notwithstanding the above provisions" and ending with the words "second injection" shall be omitted.

2. In Appendix 4 to the said Rules, for the tabular form the following shall be substituted, namely:—

Date	Show by "X" whether :	Signature and professional status of vaccinator.	Approved stamp
	Indiquer par "X" s'il s'agit de :	Signature et qualite professionnelle du vaccinateur	Cachet d'authentification
1a	Primary vaccination performed	1a	1b
1b	Read as successful Prise		
	Unsuccessful Pas de prise		
2	Revaccination	2	3
3	Revaccination		
4	Revaccination	4	5
5	Revaccination		
6	Revaccination	6	7
7	Revaccination		

[No. F.15-8/56-I.H.]

S.R.O. 490.—The following draft of certain amendments to the Indian Aircraft (Public Health) Rules, 1954, which the Central Government proposed to make in exercise of the powers conferred by section 8A of the Indian Aircraft Act, 1934 (22 of 1934) and in supersession of the notification of the Government of India, Ministry of Health No. 16-14/56-IH dated the 15th October, 1956, is published as required by section 14 of the said Act for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the **9th May 1957**.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Govt.

Draft amendment

In the said Rules—

(a) In Schedule IV, below the tabular form the second paragraph beginning with the words "Notwithstanding the above provisions" and ending with the words "of the second injection" shall be omitted;

(b) In Schedule V, for the tabular form, the following shall be substituted namely:—

Date	Show by "X" whether ;	Signature and professional status of vaccinator.	Approved stamp
	Indiquer par "X" s'il s'agit de :	Signature et qualite professionnelle du vaccinateur.	Cachet d'authentification.

1a Primary vaccination performed.

1a

1b

Perinovaccination effectuee

..

..

1b Read as successful Prise

Unsuccessful Pas de prise.

2 Revaccination

2

3

3 Revaccination

..

..

4 Revaccination

4

5

5 Revaccination

..

..

6 Revaccination

6

7

7 Revaccination

..

..

(c) In Schedule VI, for the figures and words, "15 seconds", the figures and words "8 to -10 seconds", and for the words "three minutes", the words "five minutes", shall be "substituted".

[No. F.16-14/56-IH.]

A. T. SESHADRI, Under Secy.

MINISTRY OF TRANSPORT

(Transport Wing)

New Delhi, the 7th February 1957

S.R.O. 491.—In exercise of the powers conferred by sub-section (2) of section 1 of the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), the Central Government hereby appoints the sixteenth day of February, 1957, as the date on which the provisions of the said Act, except clauses (b) and (e) of section 18, 22, 32, clause (a) of section 38, clause (a) of section 60, clause (b) of section 61 clause (b) of section 85, clause (f) of section 98 and section 101, shall come into force.

[No. 3-TL(1)/57.]

D. D SURI, Dy. Secy.

(Transport Wing)

PORTS

New Delhi, the 7th February 1957

S.R.O. 492.—In exercise of the powers conferred by sections 4 and 6 of the Madras Outports Landing and Shipping Fees Act, 1885 (Madras Act 3 of 1885) the Central Government hereby makes with effect from 16th February, 1957, the following amendments in the notification of the Government of India in the Ministry of Transport No 11-P(90)/47, dated the 23rd December, 1947, namely:—

In the Schedule of Landing and Shipping Fees and Wharfage appended to the said notification, in section headed "Tranship Goods", for the existing items I and II the following shall be substituted, namely:—

Item No.	Classification	Landing and Shipping fees	Wharfage
I.	Goods originally manifested at the port of shipment for transhipment at Cochin :		
	(a) From vessel to vessel	Landing or Shipping fees only.	
	(b) When landed for transhipment.	-do-	Double wharfage. (one for landing and one for shipment.)
II.	Goods not originally manifested for transhipment at Cochin but ment for other ports, landed at this port but reshipped later.	Same as for item (I) above.	Same as for item (I) above.

NOTE.—In respect of item (II) above, the reshipping of the goods shall be allowed only with the prior written permission of the Port's Traffic Manager obtained before landing the goods, and the grant of such permission shall be solely at the discretion of the Traffic Manager.

[No. 6-PH(26)/56.]

K. BALAKRISHNAN, Under Secy.

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 7th February 1957

S.R.O. 493.—In exercise of the powers conferred by section 4 of the Coasting Vessels Act, 1838 (19 of 1838), the Central Government hereby appoints the following Officers in the State of Bombay to act at the ports specified against each in the execution of the said Act:—

Officers	Ports
Port Officer, Okha	Okha, Beyt and Dwarka.
Deputy Superintendent of Customs, Veraval	Kotda, Madhwad and Muldwarka

[No. F.33-MA(5)/56.]

S. K. GHOSH, Dy. Secy.

MINISTRY OF PRODUCTION

New Delhi, the 5th February 1957

S.R.O. 494.—The Government of Mysore, having nominated the Minister for Industries, Government of Mysore, Bangalore, to be a member of the Central Silk Board, under clause (d) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby appoints the Minister for Industries, Government of Mysore, Bangalore, to be a member of the said Board in the place of the Minister of Home and Industries, Government of Mysore, Bangalore, and makes the following amendment in the notification of the Government of India in the late Ministry of Commerce & Industry No. S.R.O. 784 dated the 7th April, 1955, namely:—

In the said notification, for the entry against Serial No. 4, the following shall be substituted, namely:—

“4. Minister for Industries, Government of Mysore, Bangalore”.

[No. 22/1/55/H.S.2.]

S.R.O. 495.—The Government of West Bengal, having nominated Dr. D. C. Sarkar, Deputy Director of Industries (Sericulture), Berhampore (West Bengal), to be a member of the Central Silk Board, under clause (f) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby appoints Dr. D. C. Sarkar aforesaid to be a member of the said Board in the place of Dr. D. P. Raichoudhury and makes the following amendment in the notification of the Government of India in the late Ministry of Commerce and Industry No. S.R.O. 784 dated the 7th April, 1955, namely:—

In the said notification, for the entry against serial No. 10, the following entry shall be substituted, namely:—

“10. Dr. D. C. Sarkar, Deputy Director of Industries (Sericulture), Berhampore (West Bengal).”

[No. 22/1/55/H.S.(2)].

P. J. MENON, Under Secy.

MINISTRY OF EDUCATION

New Delhi, the 12th February 1957

S.R.O. 496.—In exercise of the powers conferred by sub-section (2) of Section 1 of the Indian Institute of Technology (Kharagpur) Act, 1956 (51 of 1956), the Central Government hereby appoints the 1st day of April, 1957, as the date on which the said Act shall come into force.

[No. F.20-141/55.T.I.]

S.R.O. 497.—In pursuance of sub-section (1) of section 4 of the Indian Institute of Technology (Kharagpur) Act, 1956 (51 of 1956), the Central Government hereby appoints the following persons to be the first Chairman, the first Director and the first members of the Board, namely:—

1. Dr. B. C. Roy—*Chairman*.
2. Dr. S. R. Sen Gupta—*Director*;

Members of the Board

3. Shri G. D. Birla.
4. Shri M. P. Sinha, Minister of Transport, Information and Industries, Bihar.
5. Shri C. D. Deshmukh, Chairman, University Grants Commission.
6. Prof. M. S. Thacker, Director, Council of Scientific and Industrial Research, Government of India.
7. Shri G. K. Chandiramani, Special Officer (Technical Education), Ministry of Education, Government of India.
8. Shri P. C. Bhattacharyya, Secretary, Ministry of Finance, Government of India.
9. Shri S. S. Khara, Secretary, Ministry of Production, Government of India.
10. Shri Chandulal P. Parikh, Member, Rajya Sabha.
11. Shri Santosh Kumar Dutta, Member, Lok Sabha.
12. Shri P. T. Thanu Pillai, Member, Lok Sabha.

[No. F.20-6/57.T.I.]

K. G. SAIYIDAIN, Secy.

MINISTRY OF COMMUNICATIONS

New Delhi, the 9th February 1957

S.R.O. 498.—In exercise of the powers conferred by section 44 of the Air Corporations Act, 1953 (27 of 1953), the Central Government hereby makes the following amendments in the Air Corporations Rules, 1954, namely:—

In Chapter IX of the said rules—

- (a) in rule 51, in sub-rule (6) for the words "Chairman in this behalf" the words "Chairman of the Corporation in this behalf" shall be substituted;
- (b) for the word "Chairman" wherever it occurs except in the expressions (i) "Chairman of the first Labour Relations Committee", (ii) "Chairman of the Corporation", and (iii) "Chairman of the Committee", the words "Chairman of the Committee" shall be substituted;
- (c) for the word "Secretary" wherever it occurs except in the expression "Secretary of the Committee", the words "Secretary of the Committee" shall be substituted; and
- (d) in rule 55, in sub-rule (1) for the words "Chairman's directions", the words "directions of the Chairman of the Committee" shall be substituted.

[No. 7-CA(8)/55.]

M. DAYAL, Dy. Secy.

(Posts and Telegraphs)

New Delhi, the 7th February 1957

S.R.O. 499.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following further amendment in the Indian Post Office Rules, 1933, namely:—

For the words "The Chairman and Secretary" in item (qq) of rule 183 of the said Rules the following shall be substituted, namely:—

"The Chairman, Secretary, Rubber Production Commission, Junior Field Officer and Rubber Instructors".

[No. CI-24-9/56.]

New Delhi, the 12th February 1957

S.R.O. 500.—In exercise of the powers conferred by section 45 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following further amendments to the Indian Post Office Rules, 1933, namely:—

In the said Rules—

(1) for rule 180-A, the following shall be substituted, namely:—

“180-A. The amount for which a single Indian Postal Order may be issued shall be 50 Naye Paise or any multiple of 50 Naye Paise upto Rupees 10. A commission shall be charged on the issue of each Indian Postal Order of the denominations of 50 Naye Paise to Rs. 5, and Rs. 5-50 to Rs. 10, at the rate of 5 Naye Paise and 10 Naye Paise respectively.”;

(2) for rule 180-B, the following shall be substituted, namely:—

“180-B. Broken amounts may be made up by affixing unused Indian postage stamps, not exceeding three in number on the face of the Indian Postal Orders; Provided that the total value of stamps affixed on each order shall be less than 50 Naye Paise and that the total amount payable on the order shall not exceed Rs. 10.”;

(3) in rule 180-D, for the words “one anna” the following shall be substituted, namely:—

“at the rates prescribed in rule 180-A above.”;

(4) in rule 180-E, for the words “one anna” the following shall be substituted, namely:—

“at the rates prescribed in rule 180-A above.”.

This notification shall come into force on the 1st day of April, 1957.

[No. 21-1/56-M&D]

V. M. BHIDE, Dy. Secy.

MINISTRY OF REHABILITATION

New Delhi, the 31st January 1957

S.R.O. 501/R.Amdt.XIII.—In exercise of the powers conferred by Section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby makes the following amendment in the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, namely:—

In rule 64 of the said Rules, before the proviso, the following clause shall be inserted, namely:—

“(d) If such person had been allotted land in the area which on and from 1st November, 1956 is comprised in the Union Territory of Himachal Pradesh or Delhi, after surrendering his claim for allotment of land in the territory which formed part of the State of Punjab or Patiala and East Punjab States Union as it existed on 31st October, 1956, he may be allowed to retain the land allotted to him in the said area on condition that if the extent of land in his possession in the said area is in excess of that which should have been allotted to him in the said part, he surrenders such extent in excess.”

[No. 1(16)(2)SIII/56.]

New Delhi, the 5th February, 1957

S.R.O. 502.—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints with effect from the 26th December, 1956, for the State of U.P. each of the following officers, as Assistant Custodians of Evacuee Property, for the purpose of discharging the duties imposed by or under the said Act:—

1. Shri Chotey Lal Shrivastava.
2. Shri J. M. Chatterji.
3. Shri Shyam Sunder Sharma.

4. Shri R. M. Kapoor.
5. Shri N. K. Dixit.
6. Shri S. D. Nigam.
7. Shri A. K. Varman.
8. Shri S. M. S. Bhatnagar.
9. Shri R. A. Awasthi.
10. Shri I. K. Kaushik.
11. Shri B. C. Nigam.
12. Shri R. P. Kulshrestha.
13. Shri N. C. Jain.
14. Shri H. M. Lal Gupta.
15. Shri Ganesh Behari.
16. Shri P. C. Jaiswal.
17. Shri H. K. Tewari.
18. Shri J. P. Misra.
19. Shri S. N. Kapoor.
20. Shri P. D. Agarwal.
21. Shri R. Y. Varma.
22. Shri Gopal Narain Asthana.
23. Shri Mukhtar Singh.
24. Shri Surendra Pal.

[No. XIII-6(1)/57-Prop.II.]

New Delhi, the 12th February 1957

S.R.O. 503.—In exercise of the powers conferred by sub-section (1) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Devendra Nath as Assistant Settlement Officer for the purpose of performing the functions assigned to such officer by or under the said Act, with effect from the date he took charge of his post.

[No. F.7/1/57-SII.]

MANMOHAN KISHAN, Under Secy.

(Office of the Chief Settlement Commissioner)

ORDER

New Delhi, the 6th February 1957

S.R.O. 504.—In exercise of the powers conferred on me by sub-section (2) of Section 34 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), I hereby delegate my powers to extend the period for the deposit of the balance of the purchase money or for furnishing particulars of compensation applications of associates in the case of property purchased by auction or tender as required under proviso to sub-rule 11 and 12 of rule 90 of the Displaced Persons (Compensation & Rehabilitation) Rules, 1955 to the following officers of the Settlement Organisation:—

1. Shri P. N. Segal, Regional Settlement Commissioner, New Delhi.
2. Shri Khushi Ram, Regional Settlement Commissioner, Jullundur.
3. Shri N. S. Verma, IAS, Regional Settlement Commissioner, Bombay.
4. Shri R. S. Das, IAS, Regional Settlement Commissioner, Lucknow.
5. Shri Kulwant Singh, Regional Settlement Commissioner, Patiala.
6. Dr. Tara Chand, Regional Settlement Commissioner, Jaipur.
7. Shri R. P. Singh, Regional Settlement Commissioner, Patna.
8. Shri J. K. Gohel, IAS, Addl. Regional Settlement Commissioner, Rajkot.
9. Shri S. M. Seth, IAS, Addl. Regional Settlement Commissioner, Nagpur.
10. Shri H. R. Nair, Addl. Regional Settlement Commissioner, New Delhi.
11. Shri G. B. K. Hooja, Regional Settlement Commissioner, Indore.

[No. F.4(1)Comp-II/57.]

L. J. JOHNSON, Chief Settlement Commissioner.

MINISTRY OF LABOUR

New Delhi, the 7th February 1957

S.R.O. 505.—Whereas it appears to the Central Government that the employer and the majority of employees in relation to the factory of Messrs. Lohoti Weaving Mills, Kalyan Road, Bhiwandi (District Thana), have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said factory;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby applies the provisions of the said Act to the said factory.

[No. P.F.57(14)/57.]

S.R.O. 506.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the factory of Messrs. Victory Tile Works, Thuruth, Alwaye, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952) should be made applicable to such factory;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby applies the provisions of the said Act to the said factory.

2 This notification shall be deemed to have come into force on the 1st day of October, 1956.

[No. PF.II.57(15)/57.]

New Delhi, the 9th February 1957

S.R.O. 507.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952) became applicable to the factory of Messrs. Hindustan Rubber Works, Ltd., 312, B. B. Chatterjee Road, Calcutta, on the 31st July 1956 there was in existence a provident fund common to the employees employed in the said factory to which the said Act applies and the employees in another establishment, namely, the Head Office of Messrs. Hindustan Rubber Works Ltd., at No. 14, Ballygunge, Station Road, Calcutta;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of the said Act shall also apply to the said establishment, namely, the Head Office of Messrs. Hindustan Rubber Works, Ltd., 14, Ballygunge, Station Road, Calcutta.

[No. P.F.57(13)/57.]

New Delhi, the 11th February 1957

S.R.O. 508.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) and in supersession of the notifications of the Government of India in the Ministry of Labour No. PF.516(12), dated the 9th July, 1952 and 16th March, 1953 and S.R.O. 867, dated the 14th February, 1956, the Central Government hereby appoints Sarvashri A. Sambandam and A. S. D. Dhanraj, Superintendents in the Department of Industries, Labour and Co-operation, Madras and M. V. S. Choudhry, to be inspectors for the whole of the State of Madras for the purposes of the said Act, and of any Scheme framed thereunder, in relation to factories engaged in a controlled industry or in an industry connected with a mine or an oilfield.

[No. PF.1/31(270)/56]

New Delhi, the 12th February, 1957

S.R.O. 509.—In exercise of the powers conferred by section 7 of the Coal Mines Provident Funds and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby makes the following further amendment in the Coal Mines Provident Fund Scheme published with the notification of the Government of India in the Ministry of Labour No. PF. 15(5)/48, dated the 11th December, 1948, namely:—

In paragraph 7 of the said Scheme, the following words shall be added at the end, namely:—

"or that his continuance is otherwise undesirable".

[No. PF.54(45)/56.]

S.R.O. 510.—In exercise of the powers conferred by section 7 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby makes the following further amendments in the Coal Mines Provident Fund Scheme, published with the notification of the Government of India in the Ministry of Labour No. PF. 15(5)/48, dated the 11th December, 1948, namely:—

For paragraph 5 of the said Scheme, the following paragraph shall be substituted, namely:—

"5. *Resignation.*—A trustee may resign his office by notice in writing to the Central Government and his office shall fall vacant from the date on which his resignation is accepted or on the expiry of 30 days from the date of receipt of the letter of resignation whichever is earlier."

[No. PF. 2(120)/56.]

S.R.O. 511.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri Syed Ashfaq Ali and Shri Vinodh Basini Singh, Provident Fund Inspectors, to be Inspectors for the whole of the State of the Uttar Pradesh for the purposes of the said Act, and of any Scheme framed thereunder, in relation to factories engaged in a controlled industry or in an industry connected with a mine or an oilfield.

[No. PF-1/31(297)/57.]

New Delhi, the 6th February 1957

S.R.O. 512.—The following regulations which have been made by the Board of Trustees of the Coal Mines Provident Fund in pursuance of sub-paragraph (2) of paragraph 24 of the Coal Mines Provident Fund Scheme, published with the notification of the Government of India in the Ministry of Labour No. PF. 15 (5)/48, dated the 11th December, 1948, and with the approval of the Central Government are published for general information:—

THE COAL MINES PROVIDENT FUND STAFF REGULATIONS, 1957

CHAPTER I—PRELIMINARY

1. **Short Title.**—These Regulations may be called the Coal Mines Provident Fund Staff Regulations, 1957.

2. **Application.**—These regulations shall, save as otherwise provided herein-after, apply to every person in the whole-time employment of the Fund, except—

(a) persons whose services are lent or transferred to the Fund by Government, and

(b) persons in respect of whose pay and allowances, discipline and conduct, superannuation benefits and other conditions of service, special provision has been made by agreements entered into with them by Government or by the Fund:

Provided that persons specified in clause (a) will be governed by the discipline and conduct regulations of the Fund as long as they remain in the service of the Fund:

Provided further that, in respect of any matter not covered by express or implied provisions special to his service or his post, these regulations shall apply to any person specified in clause (b) above to whom, but these exceptions, the regulation would otherwise apply.

3. **Definitions.**—Expressions used in these regulations shall, unless there is anything repugnant in the subject or context, have the meanings assigned to them in the Coal Mines Provident Fund Office Establishment (Contributory Provident Fund) Regulations 1952, the Fundamental and Supplementary Rules and the Central Civil Services (Conduct) Rules, 1955, issued by the Central Government.

4. **Cases not covered by Regulations.**—Any matter concerning the pay and allowances, superannuation, promotion, demotion, retirement benefits, discipline and conduct and other conditions of service of any person to whom these regulations apply, which is not covered by these regulations, shall be governed by the decision of the Chairman of the Board of Trustees of the Coal Mines Provident Fund, whose decision shall be final:

Provided that, in coming to a decision in any such matter, the rules framed by the Central Government for the corresponding classes of Government servants shall normally be followed.

CHAPTER II—GENERAL CONDITIONS OF SERVICE

5. Administration & general control.—The cadre of posts in the Fund shall be determined by the Board of Trustees. The Chairman of the Board and the Coal Mines Provident Fund Commissioner may exercise such powers in the matter of creation of posts as may be prescribed by or under the Coal Mines Provident Fund Scheme.

6. Classification of posts.—The posts under the Fund shall be classified into various classes as shown in Appendix I.

7. Method of recruitment.—(1) Appointments to all posts except those mentioned in clause (a) of regulation 10 and which are not filled by promotion shall normally be made through the nearest Employment Exchange.

(2) Appointment to all such posts shall be made by the Commissioner after selection by a Departmental Selection Committee as may be set up from time to time. The Departmental Selection Committee may consist of the Coal Mines Provident Fund Commissioner and two other officers as may be nominated from time to time by the Chairman of the Board of Trustees. Selection of candidates for such appointments will be made normally from amongst the candidates introduced by the Employment Exchange, provided they—

- (a) possess the minimum educational and technical qualifications prescribed in Appendix II to these regulations,
- (b) are below 25 years of age.
- (c) are physically and mentally fit for appointment, and
- (d) possess good moral character.

(3) If a candidate is in permanent or temporary Government or Semi-Government service on the date of his application, he shall submit his application through the Head of his Department. Failure to do so may result in his discharge without notice, besides any other disciplinary action deemed necessary.

(4) A candidate who is above the age of 25 years at the time of applying for a post or does not possess the minimum educational or technical qualifications prescribed may be considered, if he

- (a) holds substantively a permanent post under the Central Government or a State Government, and is recommended by the Head of his Department, or
- (b) is otherwise considered eminently suitable for the post.

8. Qualifications.—The minimum educational and/or technical qualifications for the various categories of posts under the Fund are laid down in Appendix II to these regulations.

9. Appointment by promotion.—(1) In making appointment to any post under the Fund by promotion the length of service, qualifications and experience of the employees in the service of the Fund in the next lower grade, if any, shall be taken into account and fifty per cent of the undermentioned posts may be filled by promotion of persons serving in the next lower grade after selection by the Departmental Selection Committee referred to in regulation 7.

- (i) Provident Fund Inspectors.
- (ii) Superintendents (Non-S.A.S. Accountants);
- (iii) Assistants.
- (iv) Supervisors.
- (v) Upper Division Clerks.
- (vi) Lower Division Clerks.

The departmental candidates selected for promotion may be ranked in the order of merit along with other candidates.

(2) In filling vacancies by promotion from one grade to another, regard shall be had to the general or specific instructions with regard to age, educational qualifications, length of service etc., issued by the Central Government for making such promotions from time to time for their employees of similar status.

(3) Promotion from one grade to a higher grade shall be by selection and not merely by seniority.

10. Appointing Authority.—Subject to the provisions of paragraph 24 of the Coal Mines Provident Fund Scheme, the authorities competent to make appointments against sanctioned posts shall be as under:—

(a) All appointments carrying a starting monthly salary of Rs. 275 and above—Central Government. [Deputy Secretary, Ministry of Labour].

(b) All other appointments—Coal Mines Provident Fund Commissioner.

11. Physical Fitness.—No person shall be appointed unless he has been certified by a Medical Officer-in-Charge of a Civil Hospital or a Gazetted Medical Officer of the Central or Regional Hospitals under the Coal Mines Welfare Fund to be of sound constitution and medically fit:

Provided that in the case of direct appointments to posts referred to in item (a) of regulation 10 the medical examination shall be conducted by a Medical Board as may be constituted for the purpose and in accordance with such standards as may be laid down by the Central Government for posts of corresponding Status.

12. Character and antecedents.—Before an appointment is made, the character and antecedents of the candidates for administrative and supervisory posts shall be verified by making a reference to the district magistrate or the superintendent of police of the district of which the candidate is a permanent resident.

13. Relaxation.—In the case of a permanent or temporary Government servant, who has been taken into the Fund's service, the medical certificate and verification of character and antecedents may not be required, if he has already produced such certificates for Government service and there is no break in service.

14. Commencement of service.—Service shall commence from the working day of which an employee reports for duty in an appointment covered by these regulations at the place and time intimated to him by the appointing authority, provided that he reports before noon; otherwise his service shall commence from the next working day.

15. Probation.—Every person shall, on appointment against a permanent or temporary post, be placed on probation. The period of probation shall ordinarily be one year. The appointing authority may, in any special case, extend the period of probation by such further period as it may deem fit. During the probationary period, the services of a probationer shall be liable to be terminated without notice and without any reasons being assigned therefor.

16. Seniority.—Seniority of an employee in any grade shall be determined in accordance with the orders on the subject issued by the Central Government from time to time.

17. Termination of employment.—(1) The appointment of a temporary employee shall be liable to termination at any time on one month's notice in writing being given by either party or as stated in the letter of appointment:

Provided that a person appointed in a temporary capacity for a definite period may be discharged from the Fund's Service without any notice from either side on the expiry of the period for which the appointment has been made.

(2) No employee in permanent service shall quit his service under the Fund without first giving three calendar months' notice in writing of his intention to do so to his appointing authority. In the event of a breach by any employee of the above provision, he shall be liable to pay to the Fund as Compensation for such breach, a sum not exceeding his pay for the period by which the period of notice actually given falls short of the period prescribed, provided that the payment of such compensation may, in any individual case, be waived by the appointing authority.

(3) When, owing to the abolition of a permanent post, an employee in the permanent service of the Fund is discharged from the Fund's service, he shall be entitled to three calendar months' notice signifying the Fund's intention to terminate his appointment or, in lieu thereof, a sum equivalent to his pay for the period by which the notice actually given falls short of the prescribed period.

Provided that the services of an employee in permanent service shall not be liable to termination under this regulation, so long as any post of the same grade and under the same appointing authority continues to be held by any person junior to him:

Provided further that such an employee may be offered an alternative appointment suitable to his qualifications and experience, if vacant, and if he accepts that appointment, his services shall not be terminated

18. Medical treatment.—(1) Every employee of the Fund and his family shall be entitled to medical treatment free of charge at any of the Hospitals, Central or Regional, belonging to the Coal Mines Welfare Fund or at a colliery hospital, which is nearest to his headquarters.

(2) In cases where patent medicines are prescribed, which are not supplied by the Hospitals or where members fail to get admission as indoor patients in the prescribed hospitals, they will be entitled to the same facilities from the Fund as Central Government servants or their families get

(3) The expression 'family' in this regulation means the employee's wife and legitimate children and does not include his parents, sisters and brothers, notwithstanding the fact that they may be residing with, and be wholly dependent upon him

19 Record of service.—(1) A service book shall be maintained in respect of each employee of the Fund

(2) An establishment list shall also be maintained showing the names of all employees in different grades in order of seniority, the posts in which they are acting, their grade and dates of their confirmation their pay and date of their next increment date of birth, first day of service and length of their service

20 Provident Fund.—All employees, other than those whose services are obtained on loan from the Central or State Government or who are in receipt of pension from the Government, shall contribute to a Provident Fund in accordance with the provisions contained in the Coal Mines Provident Fund Office Establishment (Contributory Provident Fund) Regulations, 1952

21. Superannuation.—(1) An employee shall ordinarily be called upon to retire from the Fund's service on attaining the age of 55 years. On the completion of 30 years' service, an employee may retire from the service of the Fund, with the permission of the appointing authority, even though he has not attained the age of 55 years

(2) The Central Government may, in individual cases of Officers holding appointments carrying a starting monthly salary of Rs 275 and above relax the age limit, if such relaxation is considered to be in the interest of the Fund.

(3) The Commissioner, as the "Head of the Department" may, in individual cases of all other staff, relax the age limit if, in his opinion, such relaxation is in the interest of the Fund

(4) In no case shall an employee be retained in service after he has attained the age of 60 years.

CHAPTER III—PAY, ALLOWANCES AND LEAVE

22 Scales of pay.—The scales of pay for various posts under the Fund shall generally be in accordance with the scales sanctioned by the Central Government for similar posts.

23 Allowances.—The employees of the Fund shall receive dearness and other allowances and concessions at such rates as may be sanctioned for the Central Government servants drawing similar salaries in the same locality.

24. Leave and leave salary.—The employees of the Fund shall be entitled to leave and leave salary under the Revised Leave Rules, 1933, as amended from time to time, unless they are covered by the exceptions under regulation 2 above.

25 Travelling Allowance.—The employees of the Fund shall be entitled to travelling allowance for journeys performed in the service of the Fund on the scale provided for officers of similar status in the rules supplementary to the Fundamental Rules

26 Casual Leave.—Casual leave to the Coal Mines Provident Fund Commissioner for any period exceeding three days at a stretch shall be sanctioned by Central Government. Casual leave to other Officers will be sanctioned by the Coal Mines Provident Fund Commissioner. Casual leave to staff shall be sanctioned by the officer directly under whom they are employed, provided powers are delegated in this behalf to such officer by the Commissioner.

27. Leave.—Authorities competent to sanction leave shall be as under—

- (a) All officers appointed on a starting monthly salary of Rs. 275 and above—Central Government. [Deputy Secretary, Ministry of Labour].
- (b) All other staff—Coal Mines Provident Fund Commissioner.

CHAPTER IV—CONDUCT

28. Conduct Rules.—The Central Civil Services (Conduct) Rules, 1955 shall apply, *mutatis mutandis*, to all employees of the Fund.

CHAPTER V—DISCIPLINE AND PUNISHMENTS

29. Penalties.—The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed on the persons paid from the Fund, namely:—

- (i) Censure.
- (ii) Withholding of increments or promotion, including stoppage at an efficiency bar.
- (iii) Reduction to a lower post or time-scale, or to a lower stage in a time-scale.
- (iv) Recovery from pay of the whole or part of any pecuniary loss caused to the Fund by negligence or breach of orders.
- (v) Compulsory retirement;
- (vi) Removal from service which does not disqualify for future employment.
- (vii) Dismissal from service which ordinarily disqualifies for future employment.

Explanation.—The termination of employment

- (a) of a person appointed on probation, in accordance with the terms of the appointment; or
- (b) of a person appointed otherwise than under a contract to hold a temporary appointment, on the expiration of the period of the appointment; or
- (c) of a person engaged under a contract, in accordance with the terms of his contract;

shall not amount to removal or dismissal within the meaning of this regulation.

30. Disciplinary Authorities.—Any of the penalties specified in regulation 29 may be imposed on an employee of the Fund by the authority specified below:—

- (a) All Officers appointed on a starting monthly salary of Rs. 275 and above—Central Government [Deputy Secretary, Ministry of Labour].
- (b) All other staff—Coal Mines Provident Fund Commissioner.

31. Procedure for punishment.—(1) Without prejudice to the provisions of the Public Servants (Inquiries) Act, 1850, no order of dismissal, removal, compulsory retirement or reduction shall be passed against an employee of the Fund (other than an order based on facts which have led to his conviction in a criminal court) unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded a reasonable opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall also be required to submit, within a reasonable time, a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the disciplinary authority concerned so directs, an enquiry shall be held. At the enquiry, oral evidence, if relevant, shall be heard on such of the allegations as are not admitted and the person charged shall be entitled to cross-examine the witnesses to give evidence in person and to have such witnesses called as he may wish, provided that the officer conducting the enquiry may, for sufficient reasons, to be recorded in writing, refuse to call a witness. The proceedings shall contain a sufficient record of the evidence adduced by and against the person proceeded against and a statement of the findings and grounds thereof.

(2) An employee of the Fund on whom it is proposed to impose a penalty specified in clauses (i), (ii), (iv) and (v) of regulation 29 shall be given an adequate opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration before an order imposing any of the said penalties is passed.

32. Suspension during inquiry.—(1) The appointing authority or any authority to which it is subordinate or any other authority empowered by the Chairman of the Board of Trustees in this behalf, may place an employee of the Fund under suspension—

- (a) where an inquiry into his conduct is contemplated or is pending, or
- (b) where a case against him in respect of any criminal offence is under investigation or trial:

Provided that where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

(2) An employee of the Fund who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended, with effect from the date of detention, by an order of the appointing authority and shall remain under suspension until further orders.

(3) An order of suspension made or deemed to have been made under this regulation may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

33. Appeals.—An employee of the Fund may appeal against any order imposing under him any of the penalties specified in regulation 29. The appellate authority shall be as under:

- (a) All Officers appointed on a starting monthly salary of Rs. 275 and above—Secretary, Ministry of Labour;
- (b) All other staff—Chairman of the Board of Trustees of the Fund.

34. Consideration of Appeals.—On receipt of an appeal under regulation 33, the appellate authority shall consider.

- (a) whether the facts on which the order is based have been established;
- (b) whether the facts established afford sufficient ground for taking action; and
- (c) whether the penalty is excessive, adequate, or inadequate; and after such consideration, shall pass such order as it thinks proper.

35. Implementation of orders in appeal.—An authority against whose order an appeal is preferred under these regulations shall give effect to any order passed by the appellate authority.

36. Forms and Contents of Appeal.—(1) Every person preferring an appeal shall do so separately and in his own name.

(2) Every appeal preferred under these regulations shall contain all material statements and arguments relied on by the appellant, shall not contain any disrespectful or improper language, and shall be complete in itself.

37. Submission of Appeal.—Every appeal shall be submitted through the head of the office to which the appellant belongs or belonged and through the authority against whose order the appeal is preferred.

38. Withholding of Appeals.—(1) An appeal may be withheld by an authority not lower than the authority against whose order it is preferred, if

- (a) it is an appeal against an order from which no appeal lies; or
- (b) it does not comply with the provisions of regulation 36; or
- (c) it is not preferred within six months after the date on which the appellant was informed of the order appealed against and no reasonable cause is shown for the delay; or
- (d) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case; or

(e) it is addressed to an authority to which no appeal lies under these regulations:

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons for it:

Provided further that an appeal withheld on account only of failure to comply with the provisions of regulation 36 may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and, if resubmitted in a form which complies with the said provisions, shall not be withheld.

(2) No appeal shall lie against the withholding of an appeal by a competent authority.

39. Chairman's power to review.—Notwithstanding anything contained in the foregoing provisions, the Chairman of the Board of Trustees may on his own motion or otherwise, call for the record of any case in which an order has been made by an authority subordinate to him in the exercise of any power conferred on such authority by these regulations and—

- (a) confirm, modify or set aside the order; or
- (b) direct a further enquiry to be held in the case; or
- (c) reduce or enhance the penalty imposed by the order; or
- (d) make such other order in the case as he may deem fit:

Provided that where it is proposed to enhance the penalty imposed by any such order, the employee concerned shall be given an opportunity of showing cause against the proposed enhancement.

APPENDIX I

CLASSIFICATION OF POSTS

Regulation 6

Posts	Scale of Pay
<i>Gazetted Officers—Class I</i>	
Coal Mines Provident Fund Commissioner	Rs. 600—40—1,000
<i>Class II</i>	
Assistant Commissioners, Coal Mines Provident Fund	500—30—650—EB—30—800
<i>Non-Gazetted Staff—Class III</i>	
Superintendents (S.A.S. Accountants)	200—15—380—EB—20—500
Provident Fund Inspectors	180—Prob 200—10—300—15—450
Superintendents Non. S.A.S. Accountants	250—15—400
Assistants	160—10—300
Supervisors	130—10—280
Stenographer	80—5—120—EB—8—200—EB—10/2—220
Upper Division Clerks (including Upper Division Machinists)	80—5—120—EB—8—200—EB—10/2—220
Steno-typist	60—3—81—EB—4—125—5—130—plus a special pay of Rs. 20/- per month.
Lower Division Clerks (including Lower Division Machinists)	60—3—81—EB—4—125—5—130 (Ma- chinists are allowed a special pay of Rs. 15/- per month.
<i>Class IV</i>	
Daftry	35—1—50
Peon	30—1—35
Mali	30—1—35
Chowkidar	30—1—35
Sweeper	30—1—35

APPENDIX II

(See Regulation 8)

Standard of educational and/or technical qualifications for various categories of posts under the Coal Mines Provident Fund.

Categories of posts	Minimum educational and other qualifications
1. All Gazetted administrative posts	Graduates of a recognised University with a good academic record and at least 5 years administrative experience under Government or in a position of responsibility in a commercial organisation of repute. Experience of law and/or accounts will be desirable qualifications.
2. Inspectors of Coal Mines Provident Fund	At least Graduates of a recognised University, preferably with legal, commercial or accounts experience.
3. Superintendents (Accountants)	Graduates with Accounts qualification or experience.
4. Assistants	} Graduates
5. Upper Division Clerks	
6. Lower Division Clerks	
7. Stenographer/Steno-typists	Passed Matriculation or its equivalent or Junior Cambridge Examination possessing good typing speed.
8. Peons	As for (6) Should possess a good speed in shorthand and typewriting.
9. Other Class IV employees.	Ordinarily, as prescribed by the Central Government.

[PF.7(26)/56]

CORRIGENDUM

New Delhi, the 16th February 1957

S.R.O. 513.—In the notification of the Government of India in the Ministry of Labour No. S.R.O. 127, dated the 2nd January 1957, published at page 71 of Part II Section 3 of the *Gazette of India*, dated the 12th January 1957, for "Shri A. K. Dubash" in item (3) under the heading, "Members representing the employers of dock workers", read "Shri K. R. Dubash".

[No. Fac.80(92)/57.]

R. C. SAKSENA, Under Secy.

New Delhi, the 9th February 1957

S.R.O. 514.—In pursuance of section 117 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal, (Colliery Disputes), Calcutta in the matter of an application under section 33A of the said Act from Sarvashri Md. Sakrula, Pump Khalasi and Md. Inus, Lathe-Man, of Selected Khas Jharia Colliery, P.O. Jharia, Distt. Manbhum.

ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES)
CALCUTTA

APPLICATION No. 10 of 1956 u/s. 33A.

PRESENT:

Shri J. N. Majumdar—Chairman.

Shri S. P. Chopra—Member.

Shri T. N. Mallappa—Member.

PARTIES:

Md. Sakrulla,
 Pump Khalasi and
 Md. Inus, Lathe-Man.
 Selected Khas Jharia Colliery.
 P. O. Jharia.
 Dist-Manbhum,
 Bihar—*Applicants.*

Vs

The Manager,
 Selected Khas Jharia Colliery.
 P.O. Jharia,
 Dist-Manbhum,
 Bihar—*Opposite Party*

APPEARANCES:

Shri S. P. Singh—*For Applicants.*
 Shri B. R. Mufherjee—*For Opp. Party.*

AWARD

Dated 14th March, 1956

This is an application under section 33/A of the Industrial Disputes Act 1947 by the applicants Md. Sakrulla, Pump Khalasi and Md. Inus, Lathe-Man, of Selected Khas Jharia Colliery, P.O. Jharia, District Manbhum against the colliery. Mr. S. P. Singh appearing for the applicants states that if Mr. Mukherjee, the Manager of Selected Khas Jharia Colliery should state on oath that the pump where the applicant Mohammed Sakrulla was working, did not work since notice was given to him and that the services of Inus as Latheman were required only for the repairs of the machinery in the Power House he would not press the application. Mr. Balaram Mukherjee, the Manager has given his evidence on oath on both the points. Mr. Singh does not press the application which is therefore dismissed.

Sd/- J. N. MAJUMDAR, Chairman.

Sd/- S. P. CHOPRA, Member.

Sd/- T. N. MALLAPPA, Member.

[No. LR II/55-2(2)/56]

New Delhi, the 12th February 1957

S.R.O. 515.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Mosabani Mines of the Indian Copper Corporation Limited and the Mosabani Mines Labour Union.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA
 CAMP: MOSABANI**

REFERENCE No. I. D. 5 OF 1956:

Parties:

The Management of the Indian Copper Corporation Limited, P.O. Mosabani Mines, Dt. Singhbhum (Bihar).

Versus

Mosabani Mines Labour Union, P.O. Mosabani Mines, Dt. Singhbhum (Bihar).

PRESENT

Shri R. K. Basu, Sole Member.

Dated, Camp: Mosabani, the 31st January, 1957

APPEARANCES:

For the Company: Shri J. K. Ghosh, Advocate with Mr. J. L. Armstrong, Advocate of Orr Dignam & Co., Solicitors.

Instructed by: Mr. N. A. B. Hill, General Manager.

For the workmen: Shri P. K. Sanyal, Advocate with Shri Sheelbhadra Yajee, President, Shri Chowdhury Hasnat, Genl. Secretary, Shri H. K. Das, Asst. Secretary, and Shri Panja, Asst. Secretary of Mosabani Mines Labour Union.

STATE: Bihar

INDUSTRY: Copper Mine.

AWARD

The Central Government has constituted an Industrial Tribunal consisting of me as its Sole Member with headquarters at Calcutta by Notification No. L.R. 2(59)/55, dated the 8th November, 1956 for an adjudication of the disputes between the Management in relation to the Mosabani Mines of the Indian Copper Corporation Limited and the Mosabani Mines Labour Union. In the order of Government reference a comprehensive schedule of disputes has been notified. The exact terms of disputes as in the schedule are as hereunder reproduced:

SCHEDULE

1. To stop immediately the daily searches of the workmen recently started at the gates of the Mine with a view to insult and demoralise them. The Certified Standing Orders in this connexion be so remodelled that there should not be any provision for searches without any strong and circumstantial evidence.

2(a) Minimum total remuneration consisting of basic wages, dearness allowance and Cash Food Grain Concession for unskilled workmen working on the surface should be Rs. 85/- per month and for unskilled workmen working underground Rs. 100 per month. All these workmen should be paid an annual increment of at least annas two per day or Rs. 4/- per month over their basic rates for at least 5 years.

(b) Minimum total remuneration consisting of basic wages, Dearness Allowance and Cash Food Grain Concession for workmen other than unskilled as stated above and those belonging to clerical category, including Underground Checkers, Loco Drivers, Surface Shift Electricians, Surface Incharges, Sanitary Supervisors and Sanitary Carpenters as also those mentioned hereinbelow, should be proportionally increased so that the present differential be maintained and they should be paid an annual increment of at least four annas per day of Rs. 8/- per month for at least 10 years.

(c) The Grades and scales of pay of workmen belonging to the clerical categories be reconstituted into a single grade on the basis of total consisting of basic pay, Dearness Allowance and Cash Food Grain Concession as follows:—

Rs. 150/-, Rs. 10/- Rs. 300/- per month.

(d) The pay structure of the categories of workmen named below should be so reconstituted with sufficient increase in the total remuneration as will maintain the present differentials.

Names of the categories:

Draftsmen, Head Pattern Maker, Head Compounder, Nursing Sister, Assistant Shift Boss, Office Assistant (Ore Reserve), Asst. Samplers, Head Assayer, Survey Assistants, Store Keepers, General Supervisors and Subedar.

(e) The Underground Checkers should be deemed and treated as belonging to clerical categories and given the same remuneration.

(f) Scales of pay of Surface Shift Electricians of Mosabani who are now designated as Second Class Electricians and Loco Drivers should be reconstituted on monthly basis as existed before with sufficient increases in their grade of pay and scales of increments as will maintain the differentials.

(g) Grades and Scales of Pay of Surface Incharges Sanitary Supervisors and Sanitary Carpenters have been arbitrary. Due regard being given to their actual nature of employment the grades and scales of pay should be so revised and increments awarded so that the differentials are maintained.

(h) Seventy per cent of the total remuneration should be treated as basic pay and thirty per cent as Dearness and Cash Food Grain Concession.

3. Eight hours duty of the underground workmen of any particular relay must be reckoned from the time the last man of that relay gives his "In" attendance to the time the last man of that relay gives his re-attendance after coming to surface. The workmen who were detained by about half an hour on the average every day from 3rd January 1955 must be paid on overtime basis.

4. The existing Profit Sharing Bonus Scheme be revised and linked to net profit instead of with Dividend as at present. Thirty per cent of the net profit should be distributed to the workmen as bonus in proportion to their monthly basic pay. This bonus should be paid *pro rata* to the period of services rendered by the workmen concerned during the year to which the bonus relates and the minimum qualifying period should be six months. It should be paid at the rate of the last pay drawn in the year to which it relates.

5. The existing scheme of Retiring Gratuity should be remodelled at one month's basic pay for each year of completed service. The qualifying period for this Gratuity should be fixed at 10 years for underground workmen and 15 years for surface workmen.

6. Medical facilities to be provided to all workmen and their dependents as provided at Tatas.

7. Educational facilities for the children of the workers should be of the same standard as these are at Tatas.

8. All workmen who are in need of accommodation should be provided with residential quarters within two years from now.

9. Uniforms including rain and winter coats should be supplied to the following categories of workmen in addition to those who are already in receipt of these:—

Canteen personnel, Motor Vehicles Drivers, Loco Drivers, Office Boys and Carbide Distributors, Water Works and Sanitary Department personnel, including Sanitary Supervisors, Anti-Malaria Assistant and Sanitary Supervisors should also be supplied with Bicycles to do their duties.

10. In the matter of new recruitment employees' next-o'-kin and dependents should be given preferential consideration.

11. Supply of free fuels and electrified quarters fitted with water taps latrines inside, to all the Hospital Dressers Electricians and Sanitary Supervisors.

12. One month's privilege leave with pay for each year of completed services to all monthly rated workmen.

13. Attendance Bonus to all underground workmen should be revised to four days' basic wages in a month allowing an absence of two days in a month.

14. Consideration of the following cases of individual workmen:—

(a) *Reinstatement with consequential reliefs*.—Krishna Bahadur Magar, Bal Bahadur Kaml, Dharbua Charan Lenka, Subal Sahoo, A. Manikam, K. Ponurangam and Sriram Prosad.

(b) *Promotions*

Name	Promotion Demanded
Sri G. C. Mahanry	Armature Winder Chargeman.
Abinash	Tramming Sirdar,
Francis	Fitter, 1st class.
Jagadish	Underground checker or Plat Sirdar,
Sk. Raffiguddin	Asst. Shift Boss.
P. C. Pillai]	Mine Store Clerk.

- (c) Shri S. K. Panja be paid actg. Allowance or Special Allowance for the period he acted in the place of the Hospital Asst.
- (d) *Equal pay should be paid and facilities granted to similar workmen.*—Md. Saffi, Camp Water Works Incharge should be given the same scales of wages and other service conditions which the other In-charges are getting.
- (e) *Discriminatory treatment.*—Jittan Singh—He has not been supplied with any residential quarters although he has put up a considerably long period of service and his juniors have been given quarters. He should be supplied with a residential quarter immediately.

15. Arrangements for treatment of T.B. cases on Company's cost and until these are done a lump sum grant of Rs. 2,000/- or two years total remuneration whichever is greater, be paid to each workman before he is invalided out from the Company's services.

16. Hot and Level Bonus for entitled underground workmen should be increased to annas four per day each from annas two as at present.

17. *Hoisting Bonus.*—This bonus at reasonably increased rates be extended to all the workmen including Bell men engaged on those shafts the Winding Drivers of which are getting this Bonus.

At the desire of the parties and for the convenience of adjudication it was decided that the Tribunal should hold its sittings at Mosabani. Accordingly, the Tribunal commenced its sittings at Mosabani on the 16th January, 1957. At the commencement of the hearing the representatives of the disputing parties informed the Tribunal that negotiations were going on between them for bringing about a settlement. Negotiations went on and continued till the afternoon of the 17th January, 1957 when the parties filed a joint Memorandum of Settlement and prayed that the Tribunal might be pleased to make an award in relation to all the items of dispute scheduled to the reference in terms of the joint Memorandum of settlement.

The Memorandum of Settlement which would form a part of the award bears out that as a result of amicable settlement between the Union and the Management, the parties have withdrawn several of the demands scheduled to the original order of reference. Regarding the rest of the demands the agreement between the parties have been set out in the Memorandum of Settlement. The Memorandum divided into two parts marked A and B. The Memorandum of Settlement marked B covers items 1, 3, 10, 12 and 14 of the schedule to the reference. Rest of the items of the schedule are covered by the Memorandum of Settlement marked A.

The Terms of Settlement disclose that as a result of settlement by mutual agreement the following demands covered by items 2 (inclusive of sub-items a to h), 4, 5, 6, 7, 8, 9, 11, 13, 15, 16 and 17 have been withdrawn. In part A of the memorandum it is stated towards its close that those demands are "withdrawn as having been settled by mutual agreement." It is to be accepted that the parties have come to an amicable understanding, as a result of mutual discussion and negotiation, prompting them to withdraw those demands. *Apropos* it may be mentioned that in the Memorandum of Settlement Part A terms have been embodied under broad heads touching upon some of the demands withdrawn, such as demands for revision of wage structure and of Profit Sharing Bonus Scheme, etc. All those terms shall prevail and shall be binding upon both parties according to their agreement in so far as the pertinent demands among those withdrawn are concerned. The withdrawal of the demands shall, in terms of the settlement, be controlled by the operative terms embodied in the memorandum part A.

The terms of Settlement as detailed in the Memorandum appear to be quite in order. This Tribunal feels convinced that the parties have come to terms in relation to their disputes with a desire to bring about a healthy and amicable understanding between the Management and the employees and to maintain an atmosphere of peace and harmony for at least the next three years. The Tribunal feels that in the interest of the industry and for maintenance of harmonious relationship between the Management and labour it should make an award in terms of the Memorandum of Settlement.

There is one matter which is necessary to be made clear in the award and that is in regard to the period of operation of the terms of settlement as

embodied in the award according to the Memorandum of Settlement. In so far as part A of the Memorandum of Settlement is concerned it has been specifically agreed to by the parties as incorporated in part A of the Memorandum that the settlement as to the Memorandum will be binding for a period of three years as from the 1st January, 1957. On the basis of that agreement the terms of agreement as under part A of the Memorandum of Settlement shall remain in operation for a period of three years commencing from the 1st of January, 1957, that is to say, until the expiry of 31st December, 1959.

Part B of the Memorandum of Settlement is silent as to the period of the operation of the terms of agreement embodied therein. There was a discussion in regard to this matter on the 17th January, 1957 on which date the Memorandum of Settlement was filed by the parties. As a result of that discussion it was decided by the Tribunal that the award on the basis of the settlement as under part B of the Memorandum of Settlement should be binding on the parties for a period of three years. This decision was made on the basis of the initial agreement between the parties dated the 4th July, 1955 whereunder the management of the Indian Copper Corporation Limited and the Mosabani Mines Labour Union agreed to move the Government for an adjudication of the disputes by the Industrial Tribunal and agreed further that the award which might be given by the Industrial Tribunal in relation to the disputes would be binding on both parties for three years from the date of award. These are the exact terms in the original agreement between the parties dated the 4th July, 1955 in that behalf:

“It is agreed that the award given by the Industrial Tribunal to the existing dispute will be binding on both the parties for three years from the date of the award.”

This Tribunal accepts the Memorandum of Settlement filed by the parties and makes an award in relation to the disputes referred to the Tribunal in terms of the Memorandum of Settlement. The Memorandum of Settlement, both parts A and B, shall form an integral part of the award. The period of operation of the award shall be as stated above viz. three years from the 1st January, 1957 in relation to the terms of settlement embodied in part A of the Memorandum of Settlement and for three years from the date of award viz. 31st January, 1957 in regard to B part of the Memorandum of Settlement.

R. K. Basu,
Sole Member.

Camp: Mosabani, the 31st January, 1957

ANNEXURE A

MEMORANDUM OF SETTLEMENT

PRESENT

For the Management.—

Mr. N. A. B. Hill, General Manager, Indian Copper Corporation Ltd.
Mr. W. P. Brunton, Mine Superintendent, Indian Copper Corporation Ltd.
Mr. J. G. Berry, Works Manager, Indian Copper Corporation Ltd.

For the Mosabani Mines Labour Union:—

Pandit Sheel Bhadra Yajee, President.
Mr. Ranen Roy, Deputy President.
Mr. Hasnat Choudhury, General Secretary.
Mr. H. K. Das, Assistant Secretary.
Mr. S. K. Panja, Assistant Secretary.
Mr. G. B. Singh, Treasurer.
Mr. Maheshur Mahali, Vice-President.

For the Moubhandar Mazdur Union.—

Mr. V. G. Gopal, Deputy President.
Mr. R. L. Verma, Member, Executive Committee.
Mr. Bhima Rao, General Secretary.
Mr. Ram Lakhan Singh, Office Secretary.

Mr. S. S. IMAM, Conciliation Officer (Central), Asansol.

As a result of an approach made by the Mosaboni Mines Union to the Management in the presence of the Conciliation Officer, Central, Asansol, on the 21st December, 1956, it was resolved that if the two Unions, namely, the Mosaboni Mines Labour Union and the Moubhandar Mazdur Union joined hands and then approached the Management for a settlement across the table of the outstanding Demands, such as Revision of the Wage Structure, Gratuity, Profit-Sharing Bonus, etc., which are common to both the Unions, and which are pending before the Industrial Tribunal of Mr R K Basu, then the Management agreed to open discussions in an attempt to reach a settlement before the date fixed for the forthcoming Adjudication.

This proposal was accepted by the Moubhandar Mazdur Union as the result of which the two above-named Unions combined to put forward their joint Demands to the Management. These demands were contained in an enclosure to the Moubhandar Mazdur Union's letter No MMU/GM/57/5, dated 12th January, 1957, addressed to the General Manager of the Indian Copper Corporation, and signed by the General Secretary of the Mosaboni Mines Labour Union and the General Secretary of the Moubhandar Mazdur Union.

These discussions commenced on Saturday, the 12th January, 1957, and are being concluded on Wednesday, the 16th January. After a very lengthy discussion, a settlement was arrived at. The terms of the settlement are as follows:—

Demand	Settlement
1. Revision of Profit-Sharing Bonus Scheme and to be linked with net profits instead of Dividends. 30% of the net profits to be distributed to the employees as bonus. This bonus should be paid <i>pro rata</i> to all the workmen who have put in service of at least six months and over and it should be paid at the rate of pay drawn on the last date of the year to which the Bonus is related.	It has been agreed that the Profit-Sharing Bonus should remain linked with Dividend as at present. With effect from the 1st January, 1957, the additional provisions of the 1953 Mines Award, concerning the payment of Bonus after 6 months' service on a <i>pro rata</i> basis will be extended to the Moubhandar Employees. The Profit-Sharing Bonus will be based on the pay of the individual as at the 31st December each year, or the date on which his service with the Corporation is terminated. The recent or future issues of Bonus Shares will not affect the basis on which Profit-Sharing Bonus is calculated. In the event of the Company's annual Dividend being restricted by Government Order or Legislation, it will be necessary to re-consider this issue.
2. Revision of Wage Structure, including the fixation of minimum wage for all employees including clerical staff.	<p>It is agreed that the revised minimum wage for male mazdurs on surface will be in the scale of Re 1/—-0/10/- 1/4/- Female mazdurs will be paid one anna less on the starting and finishing grades than the male mazdurs. For full-time underground employees, the revised minimum wage will be as follows:—</p> <p>Re. 1/2/-—1/-— Re 1/6/- (Note—All surface and underground workers on the minimum rates of pay will, therefore, be given an increment of 4 annas with effect from 1st January, 1957, over and above their rates as on the 31st December, 1956, and will be due for their next increment in the scale on the 1st January, 1958)</p> <p><i>Clerical Staff.</i>—The new scale of pay for the clerical staff will be as follows</p> <p><i>Junior Clerks.</i>—Rs. 60/-Rs. 51/-Rs. 100/-Rs. 10—Rs. 130/-</p> <p><i>Typists.</i>—Rs. 70/-Rs. 51/-Rs. 100/-Rs. 10—Rs. 140/-</p> <p><i>Senior Clerks.</i>—Rs. 140/-Rs. 10—Rs. 180/-</p> <p>All monthly and daily rated employees not included in the minimum wage scales given above will be allowed the following immediate increments with effect from 1st January, 1957—</p> <p>Daily rated workers receiving up to and including Rs. 2/- per day—As -/4/-</p>

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Monthly rated workers receiving up to Rs.50/- per mensem—Rs. 6/8/-.

Daily rated workers receiving over Rs.2/- per day and up to Rs. 3/- per day—As.—/5/-.

Over Rs. 3/- and up to Rs.5/- per day—As. -/6/-.

Monthly rated workers in receipt of over Rs. 50/- per mensem and up to Rs. 130/- per mensem will be paid an immediate increment of Rs. 9/-.

Daily rated workers receiving in excess of Rs. 5/- per day will be given an increment of As. -/7/-, and monthly rated workers receiving over Rs. 130/- will be given an immediate increment of Rs. 12/-.

(Note.—These increments refer to basic rates and the pay at which the increments, are to be given will be the individual's wages as on 31st December 1956).

With regard to additional increments at the top of the wage scales, for employees other than clerical staff and those on the minimum wages which have been dealt with above, the following adjustment will be made —

The wage scale will be increased by the immediate increment referring to the block in which the maximum of the grade stands (as on 31-12-56). In other words, if the old grade was Rs. 1/8/0—As 2—Rs. 2/4/0, it will be adjusted to the new minimum of Rs. 1/12/0 (Rs. 1/8/0 plus As. 4 immediate increment) and the new scale will read as follows:

Rs. 1/12/0—As. 2—Rs. 2-14-0—As. 1—Rs. 2-15-0 (new maximum).

Monthly rated personnel, other than clerical staff, will be treated in a similar manner, in that the maximum of their grades will be adjusted by adding Rs. 6/8/—Rs. 9/- or Rs. 12/-, after which a further 3 annual increments will be allowed in accordance with the final increments of their grade scales as on 31-12-1956.

It has been agreed that the present Dearness Allowance should be increased by Rs. 3/- per month. The Food Rebate will remain as at present.

(Rupees three only).

(Sd)/- S. S. Imem.

3. Increase in the present rate of ratefoodbe and dearness allowance.

4. (a) Existing Production Bonus Schemes in the Works should be revised.
(b) Production Bonus Scheme should be introduced to those production departments which are not enjoying the Bonus Scheme.
(c) Production Bonus Scheme should be introduced in the Mines.
5. Introduction of Maintenance Bonus Schemes to those Departments which are performing maintenance jobs.
6. Introduction of Service Bonus to all employees who are not covered by either Production or Maintenance Bonus.

These Bonus Schemes have been discussed, but no change has been made to the existing Schemes. This may be re-opened at a later date.

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7. The existing scheme of Retiring Gratuity should be changed so that one month's basic pay should be paid for every completed year of service and the qualifying period of service should be fixed at 10 years.

Rule 3 of the Company's Gratuity Rules as amended on 22-2-52, will be amended as follows :—

On retirement, every workman who has completed 12 years' continuous service under this company, before such retirement under this Company, before such retirement shall be eligible to get Gratuity as follows :—

15 days basic pay for every year of service rendered.

In the event of the workman being eligible for both gratuity and retrenchment benefits under the Act, he shall be entitled to compensation under one or the other, whichever may be the higher, but not both.

In the event of the death of a workman whilst in the Company's employment, his heirs or executors and nominees will be entitled to draw his gratuity for the period he has served, irrespective of the fact that he may not have been in the Company for the full 12 year period. In the event of an employee being discharged as unfit for further duty, on the recommendation of the Company's Medical Officer, he may be allowed gratuity at the rate of 15 days basic pay for each year of service rendered, in lieu of the present compassionate grant.

8. All quarters should be electrified and adequate street lighting should be provided.

The Company will agree to electrify quarters and supply electricity against payment from the employees, providing Government permission can be obtained. This must form part of a phased programme entailing a complete overhaul of the existing lighting arrangements, and will be taken in hand as soon as possible.

9. Adequate improvement in medical facilities to be provided to the employees as well as their dependants. Treatment and hospitalization of T.B. patients should be arranged.

The Company have already provided a new Maternity Wing at Mosaboni, and will consider an extension to the Female Ward at Moubhandar Hospital. In addition, further efforts will be made to improve the hospital facilities, in continuation of the programme which has already been carried out during the past few years. The Company will arrange to endow two beds for T.B. patients in a Jamshedpur Sanatorium.

10. The school teachers should be treated as Company's employees and the entire school expenses should be borne by the Company and the present schools to be upgraded to High School standard.

This demand has been withdrawn for further discussion at a later date.

11. Within the next two years the Company should build adequate number of quarters so that employees who are in need could be accommodated.

It has been explained that the Company are doing their utmost to build an adequate number of quarters at Moubhandar and that this work is progressing at a reasonable rate. At Mosaboni, the Union have agreed to try and assist the Company over acquiring the necessary land, after which the construction of further quarters will be commenced immediately.

12. Union should be allowed to collect subscriptions at the pay counters.

The Company's Standing Orders do not allow for the collection of money within the Works and Mines areas, but the Company have agreed to supply shelters (along with one table and 2 chairs) outside the Gates for collection of subscriptions by Union members on pay day.

(1)

(2)

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|---|--|
| <p>13. Contractors' labour should not be engaged on Production and Maintenance jobs.</p> <p>14. Over-time should be paid to all monthly rated staff, including the clerical staff if asked to do overtime.</p> <p>15. All out-door employees, such as peons, sanitary inspectors, motor and loco drivers, health department employees, should be provided with rain-coats, umbrellas, winter coats and cycles to those whose nature of work requires cycling.</p> <p>16. Those who are acting in a vacancy for more than one year should be confirmed in that post.</p> | <p>This labour will be gradually withdrawn from Production and Maintenance jobs in accordance with a phased scheme, which will be put into effect as soon as possible.</p> <p>Over-time will be paid in accordance with the provisions of the Mines Act and the Factories Act.</p> <p>Winter coats will be supplied to individual drivers in accordance with regulations to be drawn up by the Management. The other items mentioned will be the subject of separate negotiations at a later date.</p> <p>Those employees who have continuously acted in a permanent vacancy for periods extending over one year will be confirmed in that post.</p> |
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All parties have agreed that the above Settlement will be binding for a period of three years, as from the 1st January, 1957.

It is also agreed that with reference to the Mosaboni Mines Union's original Charter of Demands enclosed with the Memorandum of Settlement dated 4th July, 1955, and which is at present before the Tribunal sitting at Mosaboni, the following demands be withdrawn as having been settled by mutual agreement :—

Wages, etc.—Demand No. 2, sub-para, (a), (b), (c), (d), (e), (f), (g) and (h).
 Profit-Sharing Bonus—Demand No. 4.
 Retiring Gratuity — Demand No. 5.
 Medical Facilities — Demand No. 6.
 Education Facilities — Demand No. 7.
 Quarters—Demand No. 8.
 Uniforms, etc.—Demand No. 9.
 Supply of Free Fuel — Demand No. 11.
 Attendance Bonus — Demand No. 13.
 T.B. Cases — Demand No. 15.
 Bonuses — Demands Nos. 16 and 17.

For the Management

Sd/- N.A.B. HILL,
General Manager.

For Mosaboni Mines Labour Union

Sd/- SHEET BHADRA YAJEE,
President.

For Moubhandar Mazdur Union.

Sd/- V.G. GOPAL,
16-1-57
Deputy President.

Sd/- SYED SAIDAR IMAM,
16-1-57

Conciliation Offices (C)
Asansol.

Dated, Ghatsila, the 16th January, 1957.

ANNEXURE : B

MEMORANDUM OF SETTLEMENT:

PRESENT:

For the Management :

Mr. N. A. B. Hill, General Manager, Indian Copper Corporation Ltd.,
 Mr. W. P. Brunton, Mine Superintendent, Indian Copper Corporation Ltd.,

For the Mosaboni Mines Labour Union :

Pandit Sheelbhadra Yajee, President.
 Mr. Ranen Roy, Deputy President.
 Mr. H.K. Das, Assistant Secretary.
 Conciliation Officer— Mr. S. S. Imam.

The parties to this Dispute, consisting of the Management of the Indian Copper Corporation on the one side, and their workmen, as represented by the Mosaboni Mines Labour Union, on the other side, have come to the following settlement with regard to the outstanding issues before Sri R.K. Basu in Reference No. I.S.D.5 of 1956 in respect of those issues not already covered by the Settlement between the Management and the combined Mosaboni and Moubhandar Unions made in the presence of the Conciliation officer, Central, Mr. S.S. Imam, on the 16th January, 1957.

<i>Demand</i> (1)	<i>Settlement</i> (2)
No. 1. To stop immediately the daily searches of the workmen recently started at the gates of the Mine with a view to insult and demoralise them. The Certified Standing Orders in this connexion be so remodelled that there should not be any provision for searches without any strong and circumstantial evidence.	It is agreed that the existing standing Order regarding search requires no revision, as the Management have stated that indiscriminate and unnecessary search is not ordinarily contemplated under normal conditions.
No. 3 Eight hours duty of the underground workmen of any particular relay must be reckoned from the time the last man of that relay gives his "In" attendance to the time the last man of that relay gives his re-attendance after coming to surface. The workmen who were detained by about half an hour on the average every day from 3rd January 1955 must be paid on overtime basis.	The Provisions of the Mines Act & Rules are followed.
No. 10. In the matter of new recruitment employees' next-of-kin and dependants should be given preferential consideration.	Where next-of-kin are considered the most suitable, the Management will naturally take notice of this fact, as, according to the Corporation's policy, appointments are made on merit with due regard to the job.
No. 12. One month's privilege leave with pay for each year of completed service to all monthly rated workmen.	It is agreed that all monthly rated and monthly paid employees shall be entitled to three weeks privilege leave with pay for each completed year of service, excepting clerical and supervisory staff who already enjoy improved benefits.
No. 14(a) Krishna Bahadur Magar A. Manikkam. (Reinstatement with consequential reliefs).	As a special case, and without treating it as a precedent, the Management have agreed to offer these two persons re-employment when suitable vacancies arise, providing, they are first passed as medically fit by the Company's Doctors. In respect, of Bal Bahadur Kami, Subal Sahoo, K. Ponurangam and Sriram Prasad, the claim for their reinstatement cannot be considered.
No. 14(b)—Promotions. Jagdish and P.C. Pillai.	With reference to Jagdish and P.C. Pillay it is agreed by the Management that in the case of the former (Jagdish) that they will make an enquiry with a view to ascertaining his suitability for promotion to <i>plat sirdar</i> when a vacancy arises. In the case of P.C. Pillai as a very special concession and without treating it as a precedent, it is agreed that he should be promoted to Stores Issue Clerk, on probation, when the next vacancy arises.

(1)

(2)

Francis G.C. Mohanty, Abinash, Sh. Rafiguddin.

In the case of Francis it is agreed that he should be given a final Trade Test with a view to ascertaining his suitability for promotion to 1st class Fitter.

G. C. Mohanty will be considered for a further trade test if it is found possible to introduce a higher grade for Armature Winders.

Abinash can only be considered for promotion on his own section when his turn comes.

Sk. Rafiguddin is not at present considered to possess the necessary qualifications for promotion to Asst. Shift Boss, but the Mine Superintendent will make further inquiries to ascertain the full extent of his capabilities.

14(c) S. K. Panja should be paid Acting Allowance or Special Allowance for the period he acted in the place of the Hospital Assistant.

S. K. Panja.—The Management have declared that the post of Hospital Assistant will be abolished as soon as it is relinquished by the present incumbent, S. B. Das. However, as a special concession, and without treating it as a precedent, they have agreed that S. K. Panja should be paid an allowance equal to the difference between his rate of pay and the minimum at which S. B. Das first started performing the duties of Hospital Assistant, for the period of 74 days under dispute.

14(d) Md. Saffi. Equal pay should be paid and facilities granted to similar workmen. Md. Saffi, Camp Water Works Incharge should be given the same scales of wages and other service conditions which the other Incharges are getting.

This employee has already been given an increase in pay with others as a result of the recent settlement, and a further increase cannot, therefore, be granted.

14(e) Discriminatory treatment. Jittan Singh—He has not been supplied with any residential quarters although he has put up a considerably long period of service and his juniors have been given quarters. He should be supplied with residential quarter immediately.

—He will be considered for a quarter as soon as the proposed new building programme gets under way.

For the Management :—

Sd : N. A. B. HILL,
General Manager.

For the Mosaboni Mines Labour Union :—

Sd : SHEELBHADRA YAJEE,
President.

Sd : SYED SAIFDAR IMAM.
17-1-57.

Conciliation Officer (Central) Asansol.

Dated, Mosaboni. the 17th January, 1957.

[No. L.R.II-2(59)/55.]

S.R.O. 516.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following awards of the Industrial Tribunal, Calcutta, in the matter of applications under section 33A of the said Act from certain workmen of Messrs. Indian Copper Corporation Limited, P.O. Ghatsila, District Singhbhum.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA
CAMP: MOSABANI

APPLICATION No. R-51/57: (u/s 33-A)

Shri Birinchi Narayan Mishra, Gas & Fire Patrol, B/No. 3569, c/o Mosabani
Mines Labour Union, P.O. Mosabani Mines, Dist. Singhbhum—
Complainant

—Versus—

The General Manager, M/S Indian Copper Corporation Ltd., P. O. Ghatsila,
Dt. Singhbhum—*Opposite Party*.

In the matter of an application under section 33A of the Industrial Disputes Act, 1947, in respect of an industrial dispute between the above parties.

Dated, Camp: Mosabani, the 21st January, 1957

PRESENT:

Shri R. K. Basu, Sole Member.

APPEARANCES:

For the Company: Shri J. K. Ghosh, Advocate, and Mr. J. L. Armstrong, Advocate, of Orr Dignam & Co.

Instructed by: Mr. W. P. Brunton, Mine Superintendent, I. C. C. Ltd.

For the Union: Shri Chowdhury Hasanath, Secretary, with Shri H. Dass, Assistant Secretary of the Union.

STATES: Bihar

INDUSTRY:

Copper

AWARD:

This is a petition under section 33A of the Industrial Disputes Act, 1947, filed by one Shri Birinchi Narayan Mishra, an employee, designated as Gas & Fire Patrol, of the Indian Copper Corporation Limited. His grievance is that in the matter of the appointment of underground Asst. Foreman his claims have been superseded in favour of a junior workman of the name of Shri W. A. Brown, who was appointed to that post on 24-12-1956, although on many a previous occasion the petitioner had worked in the same capacity as the underground Asst. Foreman under different designations. The petitioner contends that by appointing Shri Brown in supersession of his claim of seniority the Corporation has contravened the provision of section 33 of the Industrial Disputes Act, 1947 by imposing an adverse alteration of his service condition without the necessary sanction of this Tribunal.

Both parties are ready. The workman, applicant, is present in person and also represented by the Asstt. Secretary, Shri H. K. Dass, of the Mosabani mines Labour Union. Shri J. K. Ghosh with Shri W. P. Brunton, Mines Superintendent, is present on behalf of the Opposite Party, the Company. It is a matter of satisfaction that the parties have since come to an agreement. The Memorandum of Settlement signed by both the parties has been filed. It appears that sometime in April, 1956 the applicant Shri Mishra made a representation to the Management for a suitable promotion and that the management in reply asked him to put in a formal petition for promotion to any particular job. The management's reply to the workmen is dated the 16th April, 1956. No further step was taken by the petitioner pursuant to the reply sent to him by the management. It is now agreed between the parties that the petitioner would pursue this matter and that the management would sympathetically consider his case. In view of this amicable arrangement between the parties the petitioner prays that he may be allowed to withdraw from his petition. Let this Memorandum be treated as an annexure to the award.

Accordingly, the petition under section 33-A is allowed to be withdrawn and the case is dismissed for non-prosecution.

R. K. BASU,
Sole Member..

(TRUE COPY)

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CAMP: MOSABANI MINES

Birinchi Narayan Mishra—Complainant

Versus

The General Manager, Indian Copper Corporation Limited—Opp. Party.
The Complainant and the Opposite Party state as follows:

- (1) The Complainant will send his reply to the Company's letter No. MS/ 63/56, dated 18th April, 1956.
- (2) The Opposite Party will consider the reply when received.
- (3) In view of the Company's offer to consider the applicant's reply when receive, the applicant hereby begs to withdraw from this application and not to proceed with it further.

Sd/- J. K. GHOSH,

The 21st January, 1957.

Advocate, Orr Dignam & Co., for the Coy.

Sd/- W. P. BRUNTON,

Mine Superintendent.

Sd/- H. DASS,

The 21st January, 1957.

Asstt. Secy. Mosabani Mines, Labour Union, for the workman.

Sd/- BIRANCHI NARAYAN MISHRA,

Workman.

*The 21st January, 1957.*CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA.
CAMP: MOSABANI

APPLICATION No. R-52/57: (u/s 33-A)

Shri Shaukat Ali Khan, Underground Checker, B/No. 3893, C/o Mosabani Mines, Labour Union, P.O. Mosabani Mines, Singhbhum—
Complainant.

Versus

The Indian Copper Corporation Ltd., P.O. Ghatsila, Dist. Singhbhum—
Opposite Party.

In the matter of an application under section 33-A of the Industrial Disputes Act, 1947, in respect of an industrial dispute between the above parties.

Dated, Camp: Mosabani, the 25th January, 1957

PRESENT

Shri R. K. Basu, Sole Member

APPEARANCES:

For the workman: Shri H. K. Dass, Assistant Secretary & Shri Choudhury M. Hasanat, General Secretary, Mosabani Mines Labour Union.*For the Company:* Mr. W. P. Brunton, Mine Superintendent, and Mr. K. M. George, General Mine Assistant, Indian Copper Corporation.

STATE: Bihar INDUSTRY: Copper Mine.

AWARD

This is an application under section 33-A of the Industrial Disputes Act, 1947 preferred by one Shri Shaukat Ali Khan, who has been working as an underground checker in the Mosabani Mines under the Indian Copper Corporation Limited. It is his grievance that his claims for training for promotion to the post of Assistant Sampler have been unjustifiably ignored by the Management for giving preference to underground checkers junior to him in service. It is his complaint that Shri Indrodeo Sahay and Shri S. N. Dey, underground checkers, junior to him have been detailed on training for Assistant Samplers' job, from December, 1956 in supersession of his claims and in derogation to his service

conditions during the pendency of an adjudication proceedings before this Tribunal without the express permission of this Tribunal as required under the provisions of section 33 of the Industrial Disputes Act, 1947. It is his contention that the normal rule obtaining in the matter of promotion is to depute the seniormost man in the cadre of underground checkers on training for the post of the Assistant Sampler in case of a vacancy. As this rule has been violated in the case of Shri Shaukat Ali, he has moved this Tribunal for necessary redress under section 33-A of the Industrial Disputes Act, 1947.

Both parties are present to-day. At the very outset Shri Dass put in an application signed by the applicant Shri Shaukat Ali praying for certain amendments of the original petition filed by him under section 33-A. In the main application under section 33-A relief has been sought as against the General Manager, as such of Messrs. Indian Copper Corporation Limited instead of against the Management of the Indian Copper Corporation Limited as should have been done as the adjudication proceedings pending before this Tribunal is in relation to disputes between the Management and the workmen of the Indian Copper Corporation Limited and as according to the nature of things no relief can be granted as sought for by the applicant Shri Shaukat Ali Khan against the General Manager of the Corporation as such. It is clear that the General Manager of the Corporation has been impleaded as opposite party in the application under section 33-A under a misconception. However, when the Management of the Corporation has appeared before this Tribunal to contest the application under section 33-A, there can be no difficulty in granting the amendment as prayed for by the applicant. It is ordered that the Indian Copper Corporation Limited be substituted as opposite party in the application under section 33-A for the General Manager.

Another amendment has been prayed for in the petition for replacing the relief prayer in the original application to the effect:

"The petitioner accordingly prays that the Tribunal may be pleased to decide the complaints set out above and pass such order or orders thereon as it may deem fit and proper"

by the following prayer:

"That the prayer of the petitioner is that he should be allowed to undergo training as an Assistant Sampler in preference to Sri Indradeo Sahai and Sri S. N. Dey."

This prayer for amendment is entirely of a formal nature and specifically accords with the complaint set out in the body of the application under section 33-A. Accordingly the amendment is allowed and it is ordered that the relief prayer in the original petition be replaced by the relief prayer incorporated in the amendment petition.

Both parties have examined witnesses. On the side of the applicant workman three witnesses have been examined viz. (1) Sirdar Guru Baksh Singh (2) Shri Moheswar Mahali and (3) Shri Shaukat Ali Khan, the applicant himself. Shri S. K. Biswas, Geologist, in the employ of the Corporation has been examined on the side of the Corporation.

In order to succeed the applicant has to show that the normal rule obtaining with the Corporation is to depute the seniormost underground checker, which the applicant Shri Shaukat Ali Khan claims to be, for promotion to the post of an Assistant Sampler in and when a vacancy in the latter post occurs.

It has not been denied by the Corporation that Shri Indradeo Sahay and Shri S. N. Dey, underground checkers junior to Shri Shaukat Ali Khan applicant, have been deputed for training for filling up vacancies in the higher posts of Assistant Samplers, but the workman has totally failed to prove that as a matter of normal rule seniority has been the sole criterion for promotion. On the other hand even the witnesses examined on the side of the applicant-workman, other than the applicant himself have been constrained to admit that junior underground checkers have been selected hereto before for promotion as Assistant Samplers in preference to senior underground checkers. Applicant's witness No. 1 Sirdar Guru Baksh Singh rose to the rank of Assistant Sampler by promotion from that of underground checker. In cross-examination he had to confess as follows:

"I don't think I was the seniormost underground checker when I was promoted to the post of Asstt. Sampler."

Sirdar Guru Baksh Singh made this position further clear in course of his cross examination. He said

"So far as my knowledge goes even at present seniority in service is not an inflexible criterion in the matter of promotion from the post of underground checker to that of Asstt Sampler"

Witness No 2 Shri Maheswar Mahali on the side of the workman in another promoted Assistant Sampler from the post of underground checker. In course of cross-examination he said as follows:

"There were several other senior underground checkers over me when I was selected for promotion for the post of Asstt Sampler."

Thus even on the evidence on the side of the workman the fact remains that the seniority was not an invariable criterion for promotion of underground checkers to the post of Assistant Samplers. The averment made in the application under section 33-A to the effect that the normal rule prevailing is to depute the seniormost man on training for promotion from underground checker to Assistant Sampler is thus without any substance even in so far as the independent evidence on the side of the workman goes.

Shri Dass, Assistant Secretary of Mosabani Mines Labour Union appearing on behalf of the applicant workman has put in the copy of a conciliation settlement dated 12th June, 1954 whereunder it was agreed between the Management and the Union as follows:

"Whereas seniority will be considered, the promotion of an employee to a higher post is in the discretion of the Management and will also depend on the ability and service record of the employee concerned."

Shri Dass has argued that on the basis of this agreement it behoved the Management to depute the workman-applicant, Shri Shaukat Ali Khan in his capacity as the seniormost underground checker for training for promotion to the post of the Assistant Sampler instead of Junior underground checkers as has been done by the Management. Shri Dass seems to have overlooked the latter part of the agreement arrived at at the conciliation settlement viz., that promotion of an employee to a higher post is in the discretion of the Management and will also depend on the ability and service record of the employee concerned although seniority of the employee would be taken into consideration. According to the agreement relied upon by Shri Dass seniority was not made the sole criterion for promotion and this is as it should be.

On the side of the Management it has been shown that promotion of underground checkers as Assistant Samplers is made by a test held among the seniormost underground checkers and that as a result of test which was held in November, 1956, the applicant Shri Shaukat Ali Khan was found unfit and that as such his juniors who came out successful in the test were selected for training for promotion to the posts of Assistant Samplers. Applicant's witness No 2 Shri Maheswar Mahali admitted in cross-examination that even when he was appointed Assistant Sampler by promotion he had been selected by a test. He stated in cross examination as follows.

"I was appointed Asstt Sampler in 1949. At the time of my selection there was a test held in which I was found fit. So far as my knowledge goes a test is held for selection for promotion and only those persons who are found fit at the test are selected for promotion."

In his case also he was selected for promotion in supersession of senior underground checkers. He said this in cross-examination:

"There were several other senior underground checkers over me when I was selected for promotion for the post of Asstt Sampler."

Thus, there is no gain saying the fact that junior underground checkers have been appointed by promotion as Assistant Samplers in supersession of senior underground checkers and that selection or promotion have been made on the result of tests held for the purpose. The workman Shri Shaukat Ali Khan, therefore, cannot make it a grievance that underground checkers junior to him who were found fit at the test have been selected for promotion and training in supersession to his claims of seniority in that he was found unfit at the test.

Shri Shaukat Ali Khan has admitted in evidence that he appeared at the written tests in English and Mathematics held in November, 1956 for selection for promotion but that he was not allowed to appear at the test on the subjects of

Speaking, Reading and Handwriting. This is made clear by Shri S. K. Biswas, Geologist, examined on behalf of the Corporation. Shri S. K. Biswas averred that the test was held on five subjects: English, Mathematics, Speaking, Reading and Handwriting and that only those persons who were successful in the test of the first two subjects *viz.* English and Mathematics were allowed to appear at the tests in the other three subjects: Speaking, Reading and Handwriting. Shri S. K. Biswas has asserted categorically that as Shri Shaukat Ali Khan failed at the written test in Mathematics he was not called to appear at the test in Speaking, Reading or Handwriting. It cannot be doubted that Shri Shaukat Ali Khan was given a chance to prove his fitness for promotion but that as he failed to pass the test of fitness he was passed over and two persons junior to him who were found fit at the test were detailed by the Management for training for promotion as Assistant Samplers.

The Tribunal holds that the applicant has totally failed to make out a case for Tribunal's intervention under section 33-A of the Industrial Disputes Act. His application is accordingly dismissed. No order for costs.

R. K. BASU,
Sole Member.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA
CAMP: MOSABANI**

APPLICATION No. R-53/57: (u/s 33-A)

Shri B. C. Bhattacharjee, Underground Checker, B/No. 3816, C/o Mosabani Mines Labour Union, P. O. Mosabani Mines, Dist. Singhbhum—*Complainant*.

Versus

The General Manager, Messrs. Indian Copper Corporation Ltd., P. O. Chatasila, Dist. Singhbhum—*Opposite Party*.

In the matter of an application under section 33-A of the Industrial Disputes Act, 1947, in respect of an industrial dispute between the above parties.

Dated, Camp: Mosabani, the 18th January, 1957.

PRESENT

Shri R. K. Basu, Sole Member.

APPEARANCES:

For the Company: Shri J. K. Ghosh, Advocate, and Mr. J. L. Armstrong, Advocate, of Orr Dignam & Co.

Instructed by: Mr. N. A. B. Hill, General Manager, with Mr. J. C. H. Perry and Shri K. Ramamoorthi, Officers of I. C. C. Ltd.

For the workman: Shri P. K. Sanyal, Advocate, with Shri Ranen Roy and Shri H. K. Dass, Asstt. Secretary of the Mosabani Mines Labour Union.

STATE: Bihar.

INDUSTRY: Copper.

AWARD

This is an application under section 33A of the Industrial Disputes Act, 1947, filed by one Shri B. C. Bhattacharya. The applicant to-day has filed a petition praying for withdrawal of the application under section 33-A of the Industrial Disputes Act, 1947. The Counsel for the Opposite Party, Shri J. K. Ghosh, does not oppose the petition for withdrawal. The application for withdrawal is, therefore, allowed. The application under section 33-A is accordingly dismissed for non-prosecution.

R. K. BASU,
Sole Manager.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA,
CAMP: MOSABANI**

APPLICATION No. R-55/57: (u/s 33A)

Shri Jitendra Nath Bhattacharjee, Underground Checker, B/No. 3883, C/o Mosabanimines Labour Union, P.O. Mosabani Mines, Dt. Singhbhum—*Complainant*.

Versus

The General Manager, Messrs. Indian Copper Corporation Ltd., P.O. Ghat-sila, Dist. Singhbhum—*Opposite Party*.

In the matter of an application under section 33-A of the Industrial Disputes Act, 1947, in respect of an industrial dispute between the above parties.

Dated, Camp: Mosabani, the 18th January, 1957.

PRESENT

Shri R. K. Basu, Sole Member.

APPEARANCES:

For the Company: Shri J. K. Ghosh, Advocate, and Mr. J. L. Armstrong, Advocate, of Orr Dignam & Co.

Instructed by: Mr. N. A. B. Hill, General Manager, with Mr. J. C. H. Perry and Shri K. Ramamoorthi, Officers of I. C. C. Ltd.

For the workman: Shri P. K. Sanyal, Advocate, with Shri Ranen Roy and Shri H. K. Dass, Asst. Secretary of the Mosabani Mines Labour Union.

STATE: Bihar.

INDUSTRY: Copper.

AWARD

This is an application under section 33-A of the Industrial Disputes Act, 1947, filed by one Shri J. N. Bhattacharya. The applicant to-day has filed a petition praying for withdrawal of the application under section 33-A of the Industrial Disputes Act, 1947. The Counsel for the Opposite Party, Shri J. K. Ghosh, does not oppose the petition for withdrawal. The application for withdrawal is therefore, allowed. The application under section 33A is accordingly dismissed for non-prosecution.

R. K. BASU,
Sole Member.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA CAMP—
MOSABANI

APPLICATION NO. R-60/57: (u/s 33A).

Shri Srikant Patar, Jumper and Round Checker, B/No. 7163, c/o Mosabani Mines Labour Union, F.O. Mosabanimines, Singhbhum—Complainant.

Versus

The General Manager, Messrs. Indian Copper Corporation Ltd., P. O. Ghat-sila, Dist. Singhbhum—*Opposite Party*.

In the matter of an application under section 33-A of the Industrial Disputes Act, 1947, in respect of an industrial dispute between the above parties.

Dated, Camp: Mosabani, the 18th January, 1957.

PRESENT

Shri R. K. Basu, Sole Member.

APPEARANCES:

For the Company: Shri J. K. Ghosh, Advocate, and Mr. J. L. Armstrong, Advocate, of Orr Dignam & Co.

Instructed by: Mr. N. A. B. Hill, General Manager, with Mr. J. C. H. Perry and Shri K. Ramamoorthi, Officers of I. C. C. Ltd.

For the workman: Shri P. K. Sanyal, Advocate, with Shri Ranen Roy and Shri H. K. Dass, Asst. Secretary of the Mosabani Mines Labour Union.

STATE: Bihar.

INDUSTRY: Copper.

AWARD

One Shrikanta Patar has filed an application under section 33-A of the Industrial Disputes Act, 1947. To-day the Applicant has filed a petition praying for withdrawal of the application under section 33A of the Industrial Disputes Act, petition for withdrawal. The application under section 33-A of the Industrial Disputes Act, 1947, is accordingly dismissed for non-prosecution.

R. K. BASU,
Sole Member.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA
CAMP: MOSABANI

(1) APPLICATION NO. R-79/57: (u/s 33-A)

Shri Damodaram, W/E Driver, B/No. 550, C/o Mosabani Mines Labour Union, P.O. Mosabani Mines, Dt. Singhbhum—*Complainant*.

Versus

The Indian Copper Corporation Ltd., P.O. Ghatsila, Dt. Singhbhum—*Opposite Party*.

(2) APPLICATION NO. R-80/57: (u/s 33)

Mine Superintendent, Indian Copper Corporation Ltd., P.O. Mosabani Mines, Dt. Singhbhum (Bihar)—*Applicant*.

Versus

Shri Damodaram, W/E Driver, B/No. 550, C/o Mosabani Mines Labour Union, P. O. Mosabani Mines, Dt. Singhbhum—*Opposite Party*.

In the matter of an applications under sections 33-A and 33 of the Industrial Disputes Act, 1947, in respect of an industrial dispute between the above parties.

Dated, Camp: Mosabani, the 22nd January, 1957.

PRESENT

Shri R. K. Basu, Sole Member.

APPEARANCES:

For the Company: Shri J. K. Ghosh, Advocate, and Mr. J. L. Armstrong, Advocate, of Orr Dignam & Co.

Instructed by: Mr. N. A. B. Hill, General Manager, I. C. C. Ltd.

For the workman: Shri H. K. Dass, Asst. Secretary of the Mosabani Mines Labour Union, with Shri G. B. Singh.

STATE: Bihar.

INDUSTRY: Copper.

AWARD

These are two applications under section 33-A and section 33 of the Industrial Disputes Act, 1947, respectively. The first has been filed by Shri Damodaram, an employee of the Indian Copper Corporation Limited, praying that the Opposite Party, Indian Copper Corporation Limited, may be directed to allow Shri Damodaram to continue in his employment or in the alternative to render him proper medical assistance in case he is found not sufficiently medically fit for duties inasmuch as the Corporation intends to terminate his services on the ground of medical unfitness. The application under section 33 has been filed by the Indian Copper Corporation Limited for permission to terminate the services of Shri Damodaram as he has been found medically unfit for continuing in service.

At the desire of the parties both these applications came up for hearing together. At the hearing the parties arrived at a settlement and filed a joint Memorandum of settlement and prayed that the applications may be disposed of in terms of the Memorandum of Settlement, treating the Memorandum as a part of the order of the Tribunal.

The Indian Copper Corporation Limited is given permission according to the agreement to terminate the services of Shri Damodaram on the ground of his medical unfitness subject to the terms agreed upon between the parties that Shri Damodaram be paid gratuity in accordance with the terms of the settlement entered into between Indian Copper Corporation Limited and the Mosabani Mines Labour Union, dated 16th January, 1957 in connection with the main reference and further that as a matter of special measure of compassion Shri Damodaram be paid by the Corporation an additional amount equivalent to one month's salary and further that should Damodaram be hereafter declared medically fit he might approach the management for sympathetic consideration for re-employment.

According to the terms of the settlement the *ex gratia* additional payment of one month's salary and the election given to Shri Damodaram for approaching the management for sympathetic consideration for re-employment in case of his recovery should not be treated as a precedent in any other similar case hereafter.

Let the Memorandum of Settlement be treated as a part of this order in terms of which both the applications under section 33 and 33-A are disposed of.

R. K. BASU,
Sole Member.

(TRUE COPY)

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
CALCUTTA CAMP : MOSABONI

In the matter of an application under section 33 and 33A of the Industrial Disputes Act, 1947.

R 79 of 1957 (sec. 33A)

R 80 of 1957 (Sec. 33)

BETWEEN:

Indian Copper Corporation Limited—Applicant.

Shri Damodaram, W/E Driver, B. No. 550—Opp. Party.

The parties above named submit as follows:—

- (1) In view of the opposite party being declared medically unfit and incapable of performing his duties in a safe and proper manner it is agreed that he may be discharged from the employment of the Indian Copper Corporation Limited.
- (2) It is further agreed that the opposite party be paid gratuity in accordance with the terms of the settlement entered into between the Indian Copper Corporation Limited and the Mosabani Mines Labour Union, dated 16th January, 1957.
- (3) Without it being treated as a precedent and as a special measure of compassion it is also agreed that the opposite party be paid an additional amount equivalent to one month's salary, and that should be declared medically fit to perform his normal duties, he would approach the Management for a sympathetic consideration of his case.

For Indian Copper Corporation Ltd.

Sd/- N. A. B. HILL,
General Manager.

For the workman

Sd/- H. K. DASS,
Asst. Secretary, Mosabani
Mines Labour Union.
The 22nd January 1957

Filed by me

Sd/- J. K. GHOSH,
Advocate, Orr, Dignam & Co.

The 22nd January, 1957.

Sd/- DAMODARAM.

[No. LRII/57-1(26)/57.]

ORDER

S.R.O. 517.—In exercise of the powers conferred by sub-section (3) of section 19 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby extends the period of operation of the award of Industrial Tribunal, Bombay, published with the notification of the Government of India in the Ministry of Labour, No. S.R.O. 1262 dated the 7th June, 1955, at pages 1123-1201 of the Gazette of India Extraordinary, Part II, Section 3, dated the 13th June, 1955, as modified by the decision of the Labour Appellate Tribunal, Bombay, dated the 1st February 1956, by a period of one year.

[No. L.R.3(1)/57.]

A. L. HANDA, Under Secy.

New Delhi, the 11th February 1957

S.R.O. 518.—In exercise of the powers conferred by clause (1) of article 238 of the Constitution, the President hereby entrusts to the Government of the State of Madhya Pradesh, with its consent, the functions of the Central Government under the Minimum Wages Act, 1948 (XI of 1948), in so far as these functions relate to the review and revision of minimum rates of wages fixed under the said Act for employees engaged in stone breaking or stone crushing operations carried on in any mine or quarry situated in the transferred territory of Bhopal in their State.

[No. LWI-7(31)/55]

S.R.O. 519.—In exercise of the powers conferred by clause (1) of article 258 of the Constitution, the President hereby entrusts to the Governments of the States of Madras and Punjab with the consent of the State Government concerned, the functions of the Central Government under the Minimum Wages Act, 1948, (XI of 1948), in so far as these functions relate to the review and revision of minimum rates of wages fixed under the said Act for the employees engaged in stone breaking or stone crushing operations carried on in any mine or quarry situated in their respective States.

[No. LWI-7(31)/55]

N. C. KUPPUSWAMI, Dy. Secy.

New Delhi, the 12th February 1957

S.R.O. 520.—Whereas the Central Government is satisfied that the employees of Telegraph Workshops, Alipore, Calcutta, and Telephone Workshops, Bombay belonging to the Posts and Telegraphs Department under the control of the Ministry of Communications, are otherwise in receipt of benefits substantially similar or superior to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948):

Now, therefore, in exercise of the powers conferred by section 90 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour No. S.R.O. 3104 dated the 15th December, 1956, the Central Government hereby exempts each of the above mentioned factories from all the provisions of the said Act for a further period of one year with effect from the 1st February, 1957.

[No. HI-6(135)/56]

R. M. DOIPHODE, Under Secy.

New Delhi, the 12th February 1957

S.R.O. 521.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri Gurbachan Singh Jabbi, Deputy Chief Inspector of Mines, to be the Chief Inspector of Mines for all the territories to which the said Act extends, with effect from the afternoon of the 11th February, 1957, vice Shri Sarwan Singh Grewal, granted leave.

[No. M-48(41)56.]

New Delhi, the 16th February 1957

S.R.O. 522.—In exercise of the powers conferred by section 8 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947), read with rule 3 of the Coal Mines Labour Welfare Fund Rules, 1949, the Central Government hereby appoints Dr (Mrs) Maitreyee Bose, as a member of the Advisory Committee constituted in the notification of the Government of India in the Ministry of Labour No M 3 (5) 54, dated the 11th August, 1954, vice Shri Deven Sen declared to have vacated his office under clause (c) of rule 12 of the said rules, and makes the following further amendment in the said notification, namely:—

For the entry "13 Shri Deven Sen" the entry "13 Dr (Mrs) Maitreyee Bose" shall be substituted

[No M II-3(7)/56.]

P D COMMAR, Under Secy.

MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 12th February 1957

S.R.O. 523.—In exercise of the powers conferred by sub-section (2) of section 5 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby directs that the film entitled "Tea and Sympathy", and its trailer produced by Messrs Metro Goldwyn Mayer, USA shall be deemed to be uncertified films in the whole of India

[No. 8/23/56-FC.]

V. P. PANDIT, Under Secy.

ORDER

New Delhi-2, the 7th February, 1957

S.R.O. 524.—In pursuance of clause 2 of the directions issued under the provisions of each of the enactments specified in the First Schedule to the order of Government of India in the Ministry of Information and Broadcasting No S R O 945 dated the 28th April 1955 the Central Government with previous approval of the Film Advisory Board, Bombay hereby certifies the films specified in column 2 of the schedule hereto annexed, in all their language versions to be of the description specified against each in the corresponding entry of column 5 of the said schedule

SCHEDULE

Sl. No.	Title of the film	Name of the Producer	Source of Supply	Whether scientific film or film intended for educational purposes or film dealing with news and current events or a documentary film.
1.	Indian News Review No. 434	Govt. of India, Films Division, Bombay.	Govt of India, Film Division, Bombay.	Film dealing with news and current events.
2.	Musi of India (Drums)	—do—	—do—	Film intended for educational purposes.
3.	NEFA (Part II)	—do—	—do—	Documentary film.
4.	Mountain Kingdom	—do—	—do—	—do—

[No 1/4/57-F App 124]

B S DASARATHY, Dy Secy